~~Town of Aurelius~~
~~Cayuga County, New York~~

COVER PAGE

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~~Zoning Law~~

~~Adopted October 2008~~

- Acknowledgements -

The Town of Aurelius has authored this new Zoning Law "in accordance with a Comprehensive Plan" developed with the assistance of local residents and adopted in November of 2005. This Zoning Law is not official until authorized by a resolution of the Town of Aurelius Board.

Based upon the results of the planning process, officials owe a debt of gratitude to many residents, experts and state and local agencies that devoted time and energy to create a blueprint to the future by providing local expertise and public opinion.

Adoption Date October 9, 2008

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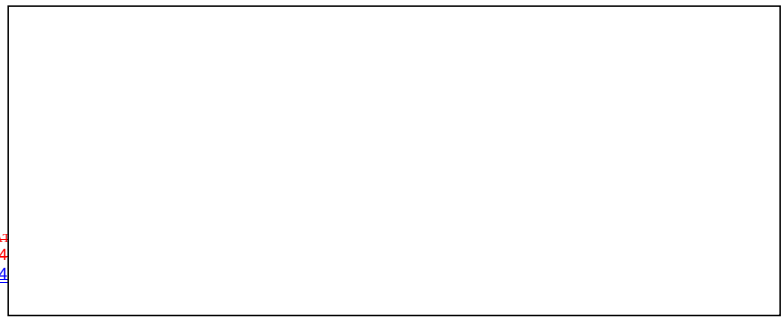
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This document is not official until authorized by the signature of the Town of Aurelius Supervisor and approved by a Notary Public in the space below:

_____ Town Supervisor _____
Authorizing Signature Title Date

Notary:



~~Chapter 100 (or number selected usually 139 for most Towns)~~

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Zoning – Chapter 100 – Town of Aurelius

[HISTORY: Adopted _____ 200*.]

[PREVIOUS HISTORY: Repealed _____ 200*]

GENERAL REFERENCES

Subdivision of land – See Ch. 139.00

~~**ARTICLE I**~~
ARTICLE I

PURPOSE AND DEFINITIONS

~~**Purpose and Definitions**~~

§ 100-1 ~~**§ 100-1**~~ **Purpose.**

The general and overall intent of this chapter is to promote the health, safety, and welfare of the community. Further purposes of this chapter are:

A. ~~A.~~To minimize conflicts from incompatible uses~~B~~.

B. To secure from fire, flood, panic and other hazards.

C. ~~C.~~To provide adequate light and air.

D. ~~D.~~To prevent overcrowding of land~~E~~.

E. To prevent undue concentration of population.

F. ~~F.~~To lessen congestion in the streets~~.~~.

G. ~~G.~~To provide a variety of use districts within the town to accommodate a diversity of residential densities and types~~H~~.

H. To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks and other service requirements.

I. ~~I.~~To encourage the most appropriate use of the land based on its natural characteristics~~J~~.

J. To protect important natural and scenic resources such as lakes, streams, wetlands, aquifers, historical sites and agricultural land.

K. ~~K.~~To preserve the quality of natural resources, including air, water, soil, and vegetation~~L~~.

L. To maintain and enhance the rural character and viability of agriculture and agribusiness of the town.

§ 100-2 ~~§ 100-2~~ Definitions.

~~AD-HOC COMMITTEE – An advisory board consisting of residents appointed by the Aurelius Town Board to address planning and zoning issues on a case by case basis. Their role is to coordinate with professional planners, oversee compliance with the Comprehensive Plan, Design Guidelines and adjust planning and zoning issues according to changing land use trends and conditions.~~

ADULT ~~ENTERTAINMENT –~~ ENTERTAINMENT – Includes the causing, permitting or allowing of:

A. ~~A.~~Offering printed materials, photographic reproductions or live performances which are characterized by an emphasis on persons who appear nude or in a state of nudity, semi nudity; and/or which are characterized by an emphasis on persons who expose specified anatomical areas or engage in depiction or description of specified sexual activities; and/or

B. ~~B.~~Conduct by employees who, as part of their employment, expose to patrons specified anatomical areas; and/or by two or more persons who congregate, associate or consort for purposes of specified sexual activities, exposure of specified anatomical areas or activities when one or more of them is in a state of nudity or semi nudity; and/or

C. ~~C.~~Offering paraphernalia designed, used or marketed primarily for stimulation of human genital organs or sadomasochistic use or abuse; and/or massage or any other treatment or manipulation of the human body which occurs as a part of, or in connection with, specified sexual activities or where any person providing such massage, treatment or manipulation exposes specified anatomical areas of their body.

AGRICULTURE – The science, art, business, and industry of cultivating soil, producing crops, and raising livestock and equestrian animals; farming as defined by the New York State Department of Agriculture and Markets.

~~AGRICULTURAL COMMERCE – Agricultural commerce is the business of agriculture and recognition of farming as a business enterprise. Agricultural commerce may include businesses and entities that provide support services for agricultural enterprise and are part of the agricultural infrastructure of the community.~~

AGRICULTURAL DISTRICT – Article 25-AA of the Agricultural & Markets Law of New York State authorizes the creation of local agricultural districts pursuant to landowner initiatives, preliminary court review, state certification, and county adoption. Agricultural Districts protect farming from overly restrictive local laws, government funded acquisition on construction projects, and private nuisance suits involving agricultural practices.

AGRICULTURAL INFRASTRUCTURE ~~(sometimes referred to as RURAL INFRASTRUCTURE) –~~ Agricultural infrastructure generally includes irrigation and access to water; means of transportation; storage services; commercial infrastructure; processing infrastructure; public services; agricultural research and extension services; communication and

information services; land conservation services; credit and financial institutions; and, finally, health and education services relating to AGRICULTURE and farming ~~(Fosu et. Al. 1995)~~.

AGRICULTURAL TAXING DISTRICT – A special agricultural district that provides a "use value" assessment for eligible farmland (e.g., agricultural exemption and special benefit exemption). This allows farmland to be taxed for its agricultural value rather than its market value (i.e., non-farm development value). Any owner of land used for agricultural production may qualify to be included in an Agricultural Taxing District if the land meets the requirements of New York State Real Property Tax Law or is rented to an eligible farm operation.

AGRICULTURAL ZONING DISTRICT – An agricultural zoning district is a district formed by the Town for the purposes of accommodating agricultural land uses. The district is one of several zoning districts in the Town, but is intended to provide a means for protecting economically viable farming activities from incompatible land uses.

ALTERATION – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or the enlargement in height or area; or the moving from one location to the other.

~~ANIMAL BOARDING/BREEDING FACILITY – A primary or accessory use where domestic or farm animals are harbored overnight for compensation and are provided with basic supervision and care (food, sleeping and waste disposal areas). Common examples of this use include dog breeders and private or public horse stables. This land use may include facilities and area for grooming, training, riding, or shows.~~

~~ANIMAL CARE / TRAINING FACILITY – A primary or accessory use where domestic (for example, dogs and cats) animals are temporarily present for non-medical care (grooming or training programs) such as dog obedience; companion, seeing-eye, or rescue instruction, or competitive skills activities (hunting, retrieving, racing). This land use may include ancillary sale of retail products and/or areas for shows. The definition excludes facilities for the boarding or breeding of animals.~~

ANIMALS – This chapter recognizes and addresses three basic categories of animal that are relevant to control within the scope and purpose of this chapter– domestic, farm and exotic or wild animals.

~~A.~~

A. DOMESTIC ANIMALS – Those species that have historically been bred to live with people and are commonly trained and associated with people's homes or places of work as pets or as (non-farm) working companions; these are dogs and cats. Other animals that have a historical presence as pets are some non-domesticated species that are maintained within glass tanks, cages or similar display containers and include tropical fish, birds, small reptiles (turtles, frogs, lizards), and small rodents (hamsters, gerbils, mice and rats). Note: These non-domesticated animals are commonly available from retail pet stores, and supplies and food for their care are generally available in general merchandise outlets, such as grocery or department stores

~~B~~.

B. FARM ANIMALS – Those species that have historically and commonly been associated with agricultural uses as the production product (food, hides, fur, etc.) or as work animals directly related to agricultural process (hauling, plowing, etc.). Typical farm animals include horses, buffalo, cows, chickens, sheep, and pigs. Other animals such as llamas, emus, alpacas, and rabbits, are included if they are associated with agricultural uses as defined by Article 25AA of the Agricultural and Market Laws. Some species of fish are also raised in aquatic farms, such as salmon, catfish, and trout. An agricultural use may be devoted solely to animal breeding for sale and end use by others, such as horses that are used for recreational purposes (racing, riding, or show).

C. EXOTIC (WILD) ANIMALS – Those species that are indigenous or non-indigenous wild animals captured or bred in captivity and typically are not acclimated through selective breeding to regular human contact. Though individual animals of many species have been domesticated for such human purposes as education (zoos, teaching facilities), entertainment (theater, circus shows) or even as pets, they are not considered to be domestic or farm animals. Examples include large ~~animals –~~ animals – monkeys, apes, lions, tigers, wolves, alligators, and boa constrictors. Small animals ~~include –~~ include – falcons, hawks, squirrels, and raccoons. Some animals, such as ferrets, may require special licensing from New York State to be sold or maintained as pets. Due to the size, characteristics, or nature of some of these animals, they remain potentially harmful to humans and require special care and monitoring even when domesticated.

~~ANNEXATION – The legal incorporation of some territory into another adjacent or contiguous entity (e.g., City of Auburn to Town, Village of Cayuga to Town).~~

ANTENNA – A system of electrical conductors that transmits or receives radio frequency signals. Such signals shall include, but not be limited to, radio, television, cellular, paging, personal communications services (PCS) and microwave communications.

A. ~~A.CONVENTIONAL TELEVISION OR~~ RADIO ANTENNA – Any receiving antenna other than a ~~satellite antenna.B.DISH~~ SATELLITE ANTENNA ~~– See "antenna."~~.

B. ~~C~~SATELLITE ANTENNA – Any parabolic dish, antenna or other device or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, light, microwave or other electronic signals, waves and/or communications from space satellites.

APARTMENT – A dwelling unit in a modified single-family unit, duplex, multiple-family dwelling or mixed-use occupancy building.

~~APARTMENT BUILDING – See "dwelling, multiple-family."~~

~~ARTERIAL STREET – A street which serves or is designed to provide for inter-community traffic movement or to move larger volumes of traffic from one area to another.~~

~~ASSISTED LIVING FACILITY – See "nursing home/assisted living facility."~~

~~AUTO BODY REPAIR – See "motor vehicle sales, service, and rental."~~

~~BANK/CREDIT UNION – See "retail use."~~

BED-AND-BREAKFAST RESIDENCE – A type of home occupation in an owner-occupied, single-family residence offering overnight lodging for guests or tourists and may include dining facilities limited only to the overnight guests.

~~BIO-DIGESTER – A facility for anaerobic digestion, or process that biologically breaks down complex organic compounds found in manure, food waste and other organic matter into more useable forms including production of the natural gas methane. The Bio-digester converts agriculturally and environmentally important nutrients, nitrogen and phosphorus, into a more useable form that can be used more efficiently by growing plants and can be recycled to support crop production as well as provide energy support in the form of electricity and heat.~~

~~BUFFER – See "perimeter landscape strip."~~

BUILDABLE AREA – The area within a lot eligible to be built upon or occupied by structures and/or land use activities that is bounded and established by the required front, side and/or rear building lines set forth in the zone district requirements or supplemental regulations.

BUILDING – A type of structure wholly or partially enclosed within exterior walls and a roof to be used for sheltering people, animals, property, business or other activities. Structures divided with interior walls extending from the foundation through to the roof shall generally be considered separate buildings. Common examples ~~include~~ include – houses, garages, factories, barns, and mobile homes. Fences, signs and temporary structures, such as tents, are not buildings.

BUILDING~~,~~ HEIGHT ~~OF~~ – The vertical distance as measured from the average elevation of the proposed finished grade (ground surface) at the front of the building or of a structure to the highest point of the building or the structure, which highest point shall include, but not be limited to, the highest or topmost point of the roof, together with all towers, chimneys, penthouses, signs, tanks, elevators or stair bulkheads, mechanical equipment, and/or light poles.

BUILDING LINE – A line or lines determined by zone district setback requirements, parallel to the property lines and establishing the closest points that a structure may be placed within a property.

~~BUILDING LINE WIDTH – See "lot width."~~

~~BUILDING PRODUCT SALES, STORAGE AND DISPLAY – A retail or wholesale use where lumber, construction supplies, and similar products are sold, displayed for sale or stored. Materials may be stored and activities may be conducted in exterior open areas.~~

BULK STORAGE – The commercial development of land to be used or occupied by structures, equipment, vehicles, or storage areas designed to hold and distribute large quantities of material. Examples include petroleum products, fuels, and potentially hazardous chemicals.

~~CASUAL SALE OF MOTOR VEHICLES – The display for sale of not more than one operable motor vehicle at any one time and not more than four operable motor vehicles in any one calendar year by the titles owner on or from property utilized for residential purposes and owned or occupies by the titled vehicle owner, which display and sale is not in connection with the conduct of any business.~~

~~CELL TOWER – See "utility substation."~~

CEMETERY – Land improved and maintained for the interment of human or animal remains and may include interment structures, such as mausoleums, administrative and maintenance structures and facilities for conducting funeral services, but excludes facilities for the cremation of human or animal remains.

~~CHURCH or PLACE OF WORSHIP – A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by state statute.~~
~~CLERK OF THE PLANNING BOARD – That person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.~~

CLUSTER DEVELOPMENT – A development style that encourages a higher density of dwellings per acre on a portion of a development site while maintaining overall density allowed under zoning. The intent is to retain open space areas but clustering may also be used to preserve farmland and environmentally constrained areas within a proposed development.

~~CEO/ZEO (CEO or ZEO) – See Zoning Enforcement Officer (ZEO).~~

~~COLLECTOR STREET – A street which serves or is designed to serve as a traffic way for a neighborhood or collect traffic from local streets and conducts it to Arterial Streets.~~

~~COMMUNICATION TOWER – See "utility substation."~~

CODE ENFORCEMENT OFFICER (CEO) – The person or persons appointed by the Town of Aurelius as the administrative official responsible for enforcing the Zoning Law as well as other State and local code requirements.

COMMUNITY CENTER – A facility under the direct supervision and control of a charitable, religious, social service or similar not-for-profit civic organization designed and used as a place of assembly for religious, social, recreational or educational programs and meetings for the general public. A center may contain incidental food facilities. It shall exclude private clubs and any facilities to house or lodge overnight guests.

COMPREHENSIVE PLANNING – The ongoing process initiated by the Town to formulate and/or implement immediate and long-range goals and objectives for the enhancement and development of the Town. These processes include the accumulated case actions, analyses,

policies, studies, reports with or without maps and may, or may not be formally adopted by the Town.

COMPREHENSIVE PLAN – "The Town of Aurelius Community Comprehensive Plan" adopted on January 11, 2007 by the Town Board and any subsequent revisions adopted in accordance with Section 272-a of the Town Law of New York State, which indicates the general locations recommended for various functional classes of public works, places and structures and the general physical development of the town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

~~CONSOLIDATION – The combining of one or more parcels of land. See also "subdivision."~~

~~CONSERVATION SUBDIVISION – A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.~~

~~CONTRACTOR'S SERVICE YARD – Land or structures serving as the base of operations for building trades contractors, trucking or heavy equipment operators or similar professions. Examples include irrigation and well drilling services, plumbing contractors, or landscape contractors. Such uses may include related offices; storage areas for equipment, materials, and job site trailers; and service areas for equipment. This use excludes on site retail or wholesale sales, or the storage and/or servicing of merchandise, vehicles or equipment unrelated to the contracting business.~~

CONVENIENCE STORE – A small retail store offering ~~road side~~ roadside convenience that is less than 2100 square feet in retail floor area (e.g.~~;~~ , gross floor area) and contains up to four stations for simultaneously fueling four vehicles at one time. Convenience stores containing five or more stations for simultaneously fueling five vehicles at one time shall be called a MOTOR VEHICLE SERVICE STATION.

CORNER LOT – A lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135°. The wider ROW frontage of a corner lot shall be the front of the lot. Front yard setbacks on corner lots shall be governed by the most restrictive setback and corner lots shall have two equal front yards at the road line (e.g., highway ROW line). Corner lot shall have one side yard and one rear yard established in relation to that front yard. (See also "lot, three-sided.")

COUNTRY STORE – The purpose of a country store is to provide opportunities for agricultural enterprises located in the Town to retail their products directly to consumers. Agricultural products grown or otherwise produced by the owner must constitute a substantial portion of all items sold at a country store. The sale of other related items of an agricultural or country nature is permitted to attract customers and promote the sale of the owner's agricultural products. Such related items include produce, plants, lawn and garden supplies, pet food, baked goods, ice cream, clothing items promoting the store and the like. Prohibited sales include vehicles, petroleum products, hardware, tobacco products, beer and liquor, non-promotional clothing, furniture, sporting goods, farm or garden machinery, and other items not related to and designed to promote the agricultural nature of the establishment. With the exception of serving food

composed primarily of ingredients produced on the owner's farm, such facility shall not include an indoor restaurant.

~~CREMATORY – A building with incinerators or furnaces used to reduce human or animal remains to a dust or gravel-like material. The use shall exclude space for the storage or burial of remains. (See also "cemetery.")~~

CROPLAND – Land without any buildings used for the commercial production of agricultural products, such as corn, wheat, vegetables, ornamental plants, or fruit. It may include minimal improvements and/or structures, such as fences or irrigation systems.

CROSS ACCESS – An easement or service drive providing vehicular access between two or more contiguous sites so that the driver does not need to re-enter the public street system ~~(Access Management Manual, 2003).~~.

~~DANCE STUDIO – See "instructional facility."~~

DAY-CARE CENTER – A land use in which care and supervision of (at least three or more) minors (children) or dependent adults is provided on a daily or regularly programmed basis outside of their place of residence. Care for each person is for less than a period of 24 hours and may occur during any part of a day. Examples of activities which are day-care facilities under this code ~~include –~~include – nursery schools, preschool programs, after-school programs or day-care centers, and senior day-care facilities.

~~DEAD-END STREET or CUL-DE-SAC – A street or a portion of a street with only one vehicular traffic outlet.~~

~~DISTRICT, ZONE – See "zone district."~~

DRIVE-IN SERVICE – An accessory or primary land use that is a facility from which customers conduct any business, secure consumer goods or services, and such goods and services are dispensed for use or consumption either off-premises or while the customers remain in their motor vehicles. This facility may be a mechanical device, a service-type window, or a kiosk attached to or detached from a principal building. This definition includes facilities commonly referred to ~~as –~~as – "drive-in or drive-through banks," "drive-in restaurants and movie theaters," "ATMs (automatic teller machines)," and "drive-up kiosks." This definition specifically excludes gasoline service stations, car washes, and similar motor vehicle services where the vehicle is the object of the retail service; it also excludes designated vehicle loading areas accessory to retail or wholesale uses.

DUMP – A lot, or land, or part thereof, used primarily for the storage or disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

~~DWELLING –~~DWELLING – A house, apartment building or other permanent building designed or used primarily for human habitation.

DWELLING, MULTIPLE-FAMILY – A building designed for and occupied as a principal use by three or more dwelling units.

DWELLING, ONE-FAMILY – A building containing only one dwelling unit, and occupied by only one family.

DWELLING, TWO-FAMILY – A building containing only two units, and occupied by only two families.

DWELLING UNIT (DU) – A complete self-contained residential unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single unit is intended for use by one traditional family as defined by the U.S. Bureau of the Census.

EMERGENCY VEHICLE STATION – The use of land, structures or facilities to store, care and operate emergency rescue, fire, or ambulance services. It may include space for vehicles, equipment, and personnel.

EASEMENT – Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER – A person licensed as a professional engineer by the State of New York.

EPA – The Environmental Protection Agency.

~~EXCAVATION/MINING USE~~ EXCAVATION – Land used for the removal and transfer of sand, gravel, rock or stone, topsoil or earth and similar substances from their original or natural locations to a different property. Examples include– borrow pit, gravel or sand pit or mine. This definition shall exclude the removal of such substances incidental to the construction or the operation of a principal use and when the removed substances are redistributed on the original site or disposed of in accordance with a method approved by the Town.

~~EXHIBIT HALL – A facility designed for the assembly of large numbers of people to attend meetings, lectures, conventions, or commercial product shows. It may include areas for the consumption of food, classrooms, auditoriums, and offices. It excludes facilities for and the conducting of sporting events and recreational activities.~~

FAA – The Federal Aviation Administration.

FAMILY – One or more persons occupying the premises and living as a single housekeeping unit with common use, care and access to living and sleeping areas with shared cooking, eating and toilet facilities as distinguished from a group of individuals occupying specified rooms and without common access, use, or care of the entire dwelling, such as within a boarding~~,~~ and rooming house, motel/hotel, dormitory, fraternity/sorority, club or hospital/nursing home.

FARM – Land occupied for the commercial production of field crops, fruits, vegetables, ornamental plants, livestock and livestock products, woodlands or similar products. A farm may include one or more noncontiguous properties, but the primary farm properties (those occupied

by a farm residence, farmstead, or any other farm-related structures) shall meet the zone district's minimum dimensional standards. A farm typically includes buildings, structures and outdoor areas for the storage, distribution, use of fuel, supplies, equipment, and raw agricultural products and may include buildings used for residential purposes; the term includes facilities to process, cook, and mill or transform raw agricultural products into retail consumer goods. (See also "cropland" definition; for retail sale, see "farm stand.")

FARM STAND – An incidental and subordinate activity of a farm, commercial nursery or greenhouse involving a building or lot or portions of a building or lot used for the seasonal retail sale of agricultural products, and may include activities in which retail customers pick or select their own produce from the fields or growing areas. A farm stand sales area may be one or more noncontiguous spaces within a property and shall be greater than 100 square feet. A total sales area of 100 square feet or less does not constitute a farm stand.

FCC – The Federal Communications Commission.

FENCE ~~–~~ – A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails comprised of any material not exceeding 8' feet in height above the finished grade with a finished aesthetic treatment facing neighboring yards, streets or facing a direction most visible by the general public.

FLAG ~~LOT –~~ LOT – A parcel of land shaped like a flag; the staff is a narrow strip of land providing vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of other lots or; An irregularly shaped lot with at least two major ~~portions –~~ portions – a non-developable narrow area abutting a right-of-way connected to the larger developable area surrounded by other lots, conforming in all other respects to the district lot and setback requirements. The un-developable portion of the lot shall be maintained clear of all structures and have a minimum width of 30 feet.

FLOOD HAZARD BOUNDARY MAP (FHBM) ~~–~~ – The official map of a community, issued by the Administrator of the Federal Emergency, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FRONT YARD – See "yard, front" (applicable to other derivations, e.g., front yard depth, front yard width).

FUNERAL HOME – A building or portion of building designed and occupied for the preparation of deceased persons or animals for burial and for the arrangement and management of burial ceremonies; the use commonly includes accommodations for people to congregate and hold ceremonies and includes the terms "funeral parlor" "mortuary" or "undertaker." The term excludes facilities for the cremation of human remains or animals. (See "personal service use.")

GASOLINE SERVICE STATION – A building, structure or area of land used primarily for the servicing of motor vehicles. It shall primarily include facilities for the retail sale and dispensing of motor fuels and petroleum products, goods and services generally required in the operation

and maintenance of motor vehicles, sale and servicing of tires, batteries, automotive accessories and replacement items; lubrication services and the performance of routine automotive maintenance and repairs. It may include areas for the retail sale of items such ~~as –~~ as – prepared foods, groceries, magazines, household or personal care items. (Not to be considered a Convenience Store or Service Station.)

~~GASOLINE STATION, LIMITED USE – A retail gasoline sales facility consisting solely of gasoline pumps, a shelter for station personnel, an overhead canopy, underground gasoline storage tank(s) and typical associated fire suppression and environmental protection equipment. Except for retail gasoline sales or vehicle washing, no other vehicle-related services shall be provided. It may include incidental sale of materials or merchandise, such as prepared food, magazines, household and personal items. A limited-use gasoline station may be considered, when found appropriate by a reviewing board, to be a secondary use. (Not to be considered a Convenience Store or Service Station.)~~

GRAPHIC PLAN – Drawing(s) of a site offering a depiction of how a site exists or is proposed to be modified. The graphic plan typically accompanies the submission application or documentation for a zoning approval and will be drawn to scale and include details specified by the Town.

GREENHOUSE, ACCESSORY – An accessory structure for a residential, nonresidential or commercial land use that is typically enclosed with glass, plastic or similar materials and which may be used for personal enjoyment and/or the noncommercial production of plants.

GREENHOUSE, COMMERCIAL – A structure typically enclosed with glass, plastic or similar translucent materials within which agricultural or horticultural products are grown for retail or wholesale sale, and includes appropriate areas for parking, loading and storage, office and customers.

GROSS FLOOR AREA – The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. In addition to areas primarily used for human occupancy, the term also includes basements, elevator shafts, stairwells and any floor space (attics, penthouses, mechanical rooms) with structural headroom of six feet, six inches or more.

~~HAMLET –~~ HAMLET – A small settlement or cluster of mixed land uses, usually associated with transecting streets too small to be considered a Village or below the population threshold to be incorporated as a Village (Example ~~–~~ – "Half Acre" crossroad with Genesee Street Road in the Town of Aurelius).

~~HAZARDOUS MATERIAL STORAGE – A facility designed, constructed, and maintained to safely store and distribute materials considered hazardous in normal use. Examples include ammunition, explosives, fireworks and chemical identified as "HAZMAT" for emergency response purposes.~~

HEARING, INFORMATIONAL – An informal process that may be required by this code or may be optional by a reviewing board; its primary purpose is to disseminate and present information to the public. The reviewing board shall establish the notification requirements and conduct of the meeting.

HEARING, PUBLIC – A formal process required by NYS law and/or this code; its primary purposes are to provide information to the public and to solicit opinions and comments from the public. NYS law, this code and/or Town policy stipulate notification requirements.

HEAVY EQUIPMENT SALES, SERVICE AND STORAGE – A use where construction, farm or similar large equipment and machinery may be sold, stored, displayed or serviced. Such activities may be conducted in open areas outside of any structures.

HOME OCCUPATION – Any personal or professional service, trade or occupation conducted within a dwelling by any member of the family residing in the unit, which use is incidental to the primary use of the property for residential purposes. Home occupation shall not change the residential character of the unit.

HOSPITAL/CLINIC – An institution specializing in giving medical, surgical or rehabilitation treatments to persons on an in- or out-patient basis, and may include lodging and dining facilities for the patients and staff.

INDOOR RECREATION ~~–~~ – PARTICIPANT – A principal use of structure for individual or small group sporting events or recreational activities, such ~~as~~ as – indoor tennis courts, bowling alleys and athletic clubs. Such facilities are designed for the direct use and participation of most of the attendees, and may include minimal spectator facilities.

INDOOR RECREATION ~~–~~ – SPECTATOR – A principal use of structure for individual or team sporting events or recreational activities, such as indoor soccer fields and basketball courts. Such facilities are designed for the direct use and participation of some of the attendees, and include substantial spectator facilities.

~~INFILL DEVELOPMENT – Development of vacant land or use of existing vacant buildings within an area that is largely undeveloped. Infill projects may range from the construction of a new house on a vacant lot in an existing subdivision to a new commercial building on a vacant lot in the Town commercial center.~~

INFRASTRUCTURE – The various public and private systems and facilities necessary to support the functionality of a community (e.g., sewer and water, electric, wind towers, communication lines, wireless communication towers and devices, roads, railroads, canals etc.).

~~INSTRUCTIONAL FACILITY – A principal use offering individual or small group instruction, orientation or training in various topics for personal development, such as performing arts, martial arts, crafts, or computer usage.~~

JUNKYARD – Land occupied by an activity principally characterized by the collection, dismantling and salvaging of waste material, inoperative equipment, machinery or motor vehicles, and may include the retail sale and/or wholesale distribution of salvaged material. (See "dump.")

KENNEL – (See "animals" and animal-related definitions.) A land use or structure used for the commercial harboring or care of domestic animals, such as dogs, cats, and similar domestic pets.

~~LANDSCAPE BUFFER – See "perimeter landscape strip."~~

LAND USE – A type of term used in this code as a group label for terms that describe and define human activities (land uses) that may occur on the land.

LIBRARY – A public or private institution maintaining a selection of books, records and similar media for use by the general public or membership, and may include meeting or lecture rooms, but shall exclude businesses which rent books, records, videotapes, videodiscs, athletic equipment or similar objects for compensation or profit.

LOT – An area of land defined by property lines shown on a deed, survey or official tax map, and is considered as a unit, occupied or capable of being occupied by one principal building and accessory buildings or uses, or when permitted in this code by multiple buildings or uses united by a common use or interest; and including such open spaces as are required by this code, and having frontage on a public or private right-of-way or an officially approved right-of-way.

LOT AREA – The total square footage within the property line of a lot, including easements and excluding land within dedicated streets or highway boundaries~~—~~.

~~LOT, CORNER – See "corner lot."~~

~~LOT, FLAG – See "flag lot"~~

LOT, ORIENTATION – The orientation of lot shall be determined as follows. The front property line of a lot shall be same as the street right-of-way line, regardless of length and intended orientation of any existing or proposed buildings, and the side and rear lines shall be determined relative to that front line. For corner, reverse-frontage and flag lots, see applicable definitions. For all other irregularly shaped lots, the Planning Board shall determine the lot orientation.

LOT, REVERSE-FRONTAGE – A non-corner lot that has two opposite lot lines contiguous with a street right-of-way line, one line representing the front and the other representing the rear of the lot. Unless specified during a subdivision approval process, the front lot line shall be determined by Planning Board and shall be based upon the following ~~guidelines –~~ guidelines – the predominant orientation of nearby lots, the character of the abutting rights-of-way, and the existing or intended land use.

~~LOT, SHORELINE – See "shoreline lot."~~

LOT, THREE-SIDED – A lot with only three property lines forming its boundaries. For purposes of enforcement, it shall have: no rear yard, two side yards and a front yard extending the entire width of the lot. The front yard shall conform to the requirements of the applicable zone district and shall have two side yards. Side yard depth shall be a minimum 15 feet each, regardless of the zone district requirements.

LOT WIDTH – The distance between the side property lines measured along the front building line as determined by the applicable front yard setback requirement as defined in this code.

~~LOT WIDTH, SHORELINE – See "shoreline lot width."~~

~~MAJOR STREET – A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas (see ARTERIAL STREET and COLLECTOR STREET).~~

MANUFACTURING – Land and/or a building occupied to process or transform raw or previously processed materials into finished products or parts and the storage and distribution of those materials to other manufacturers and/or wholesale or retail businesses. Examples ~~include~~ include – furniture manufacturer, metal processing, chemical processing, or assembly plants. This use shall exclude bulk storage and distribution of petroleum, natural gas or potentially hazardous chemicals.

MANUFACTURED HOME (MODULAR, DOUBLE-WIDE, PRE-MANUFACTURED) – A transportable dwelling unit suitable for one family, year-round occupancy and containing the same conveniences as immobile housing with respect to water supply, light, heat, power and waste disposal. A manufactured home is a portable residential unit that is constructed at a remote location and is shipped to a development lot for assemble and finishing. A manufactured home or unit consists of two or more separately moveable components designed to be joined into one integral unit capable of being again separated into the components for transport (modular or double-wide configuration). Though manufactured units retain mobility, they are designed to be used as long-term residential units and exclude single-wide mobile homes (See definition), travel trailers, motorized homes, pickup coaches, camping trailers, and all forms of recreational vehicles.

MARGINAL ACCESS – Access from roads parallel to and adjacent to arterials that abut properties and provide protection from through traffic. Marginal access roads and streets will be construed as local access or secondary collectors dependent on area served and traffic anticipated from particular developments.

~~MARINA, INDIVIDUAL – The accessory use of land adjacent to a water body for an individual private dock or boathouse facility incidental to a principal residential use.~~
~~MARINA, PRIVATE – The use of land, structures and adjacent water bodies for the storage and docking of one or more boats at docks or boathouse facilities. It shall exclude public or club use and shall contain no facilities for fuel, repair, sales, food or similar commercial operations.~~
~~MARINA, PUBLIC – The use of land, structures and adjacent water bodies for the storage, docking, and/or servicing of boats for compensation or as nonprofit operation. It may include other business activities, such as retail fuel sales and administrative operations, restaurants and similar services.~~
~~MASTER OR COMPREHENSIVE PLAN – A comprehensive plan prepared on behalf of the Planning Board and Town Board pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various functional classes of public works, places and structures and the general physical development of the town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.~~
MEDICAL OFFICE – An office where patients are treated or attended to by medical practitioners that include but are not limited ~~to~~ to – physicians, dentists, physical or occupational therapists, laboratory tests, diagnostic (X-ray, MRI, etc.) testing. This definition excludes clinics and hospitals.

MICROWAVE – A method of providing telecommunications bandwidth by means of a series of antennas, transmitters and reflectors on towers.

MINI-WAREHOUSE – See "public self-storage facility."

~~MINOR STREET – A street intended to serve primarily as an access to abutting properties.~~

MOBILE HOME (SINGLE-WIDE) – A mobile home, sometimes referred to as a "trailer" or "single-wide" is a portable unit designed and built to be towed on its own chassis comprised of a frame and wheels and designed for occupancy without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity. Mobile Home shall also include tiny houses, as defined in the Residential Code of New York State. Mobile home does not include manufactured homes, pre-manufactured "double-wide" homes or modular homes (See Definition of manufactured home)~~.~~

~~MOBILE HOME COURT – Land designed and planned in accordance with this code for occupancy by one or more manufactured home units.~~

~~MODULAR STRUCTURE – Any structure or building designed only for permanent placement. It may be assembled completely or partially into major building components off-site; and transported to a different site for permanent placement on a foundation. A major building component shall include but not be limited to such elements as rooms and be an assembled unit of walls, floor and ceiling. Off-site preassembly of elements such as stairs or steps, roof rafters or floor joists commonly used in the conventional construction of a building shall not be considered major building components. For purposes of these zoning regulations, a modular structure is the same as any conventionally built structure and shall comply with all applicable use and dimensional controls.~~

MORTUARY ~~–~~ = Any licensed regulated business that provides for the care, planning and preparation of human remains for their final resting place. A mortuary usually arranges and conducts funeral and memorial services, embalming and other services such as the sale of caskets. SEE FUNERAL HOME.

MOTOR VEHICLE – A vehicle as defined in Section 125 of the Vehicle and Traffic Law of New York State.

MOTOR VEHICLE SALES, SERVICE, RENTAL – Land and structures commercially used for the servicing and repair (including auto body/collision repair), sales, or rental of motor vehicles; including cars, trucks, recreational vehicles, motorcycles, trailers, snowmobiles or boats.

MOTOR VEHICLE SERVICE STATION – Any area of land, including structures and buildings thereon, which is used for the supply of gasoline, oil, or other fuel for the propulsion of motor vehicles that may or may not include facilities for polishing, washing or otherwise cleaning such vehicles. Any "convenience store" with five or more stations for fueling vehicles at a single point in time shall be called a MOTOR VEHICLE SERVICE STATION and the retail store will be considered an ancillary use.

~~MOTOR VEHICLE STORAGE – A facility occupying land, structures and/or buildings for the temporary controlled storage of operable motor vehicles. The addition or removal of any vehicle shall be subject to the control of the facility management. The use may contain space for offices and vehicles directly related to the operation. Examples include impound yards, towing services, vehicle holding yards or similar facilities storing vehicles for legal or financial reasons. This use excludes routine public parking, public garages, the storage of disabled or junk motor vehicles and/or "motor vehicle sales, service, rental" (as defined).~~

~~MULTI MODAL – A realistic means for expanding travel, mobility, and accessibility opportunities within the Town by supporting and promoting alternative modes of transportation. This includes a fuller understanding of the relationship that land use policy, growth planning, and design standards play in furthering the ultimate success of alternative transportation modes such as walking and bicycling.~~

NATURAL PRODUCTION USES – Includes organic farming, naturally occurring biological processes, or near organic methods of producing agricultural products without utilizing synthetic pesticides, herbicides, agri-chemicals, hormones, or other non-natural means (example: organic farming).

NIGHTCLUB/DANCE HALL – Establishments typically open to the public that predominantly includes areas for customer dancing or similar activity from live performance or recorded musical entertainment; it may include incidental food services and eating areas. (See also "land use," "restaurant," and "indoor recreation-participant.")

~~NON-CONFORMING STRUCTURE – A building, existing at the time of the enactment of the zoning law or amendment thereto; that does not conform to the regulations, except the use regulations of the district in which it is situated.~~

~~NON-CONFORMING USE – A use of land or building existing at the time of an enactment of the zoning law or amendment thereto that does not conform to the regulations as to the use of the district in which it is situated.~~

~~NON-POINT SOURCE POLLUTION (NPS): NPS pollution is caused by rainfall or snowmelt moving over and through the ground surface; and in the process picking up synthetic pollutants such as oil, salt, fertilizers and toxic vehicle chemicals, and depositing them into nearby bodies of water such as Cayuga Lake.~~

NURSERY, COMMERCIAL – Land and/or building improved and occupied for the commercial raising, storage or retail sale of household or ornamental plants, and may include the incidental sale of garden supplies.

NURSERY SCHOOL – See "day-care center."

NURSING HOME~~/ASSISTED LIVING FACILITY~~ – An establishment where elderly, sick, invalid, infirm or convalescent persons are housed or lodged, furnished with meals and long-term nursing care and rehabilitation for hire.

O AND M or O & ~~M –~~M – Operation and Maintenance of municipal facilities and systems.

OFFICE – A building or a portion of a building exclusively occupied to perform services as a principal, accessory or incidental use of an administrative, professional or clerical nature and includes activities such ~~as –~~as – insurance, real estate, financial, legal, design, and management. It shall exclude a "medical office," separately defined in this code.

~~OFFICE BUILDING – A principal structure primarily designed and/or occupied by one or more offices. (See "office" definition.)~~

OFFICIAL MAP – The map established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways, parks and drainage, both existing and proposed.

OUTDOOR RECREATION ~~–~~ – PARTICIPANT – A principal use of land or structures for individual or small group sporting events or recreational activities, such as swimming pools, tennis courts, golf courses and exercise tracks, archery, pistol or rifle ranges. Such facilities are designed for the direct use and participation of most of the attendees and may include minimal spectator facilities. This land use may include incidental facilities for serving food and beverages.

OUTDOOR RECREATION ~~–~~ – SPECTATOR – A principal use of land and facilities for individual or team sporting events or recreational activities, such as outdoor soccer, football or baseball fields or basketball courts. Such facilities provide substantial spectator seating and observation areas and may include space for direct participation of some of the attendees. This land use may include incidental facilities serving food and beverages.

OUTDOOR RETAIL SALES, DISPLAY AND SERVICE – (See also "retail use.") The use of an area of land outside of a building for the sale, display, servicing or storage of products, equipment, supplies, or merchandise related to a retail use. Such areas may be incidental to a principal retail use occupying a building or may be the primary sales area and include by illustration the sale of lumber, building or garden supplies, but specifically excludes vehicle sales, service or repair, junkyards, waste or scrap products or farm products.

OUTDOOR WOOD-FIRED BOILER (OWB) – OWB's are wood-fired water heaters that are located outdoors or are separated from the space being heated. The fires in the large fire boxes heat water that is circulated into the structure through underground pipes. The energy may be used to heat houses, shops, domestic hot water, greenhouses, swimming pools, and spas. Indoor installed wood boilers are a variation of an OWB. They are in the same legal category as OWB's, and subject to the same regulations except that OWB's not contained within the structure shall be subject to less restrictive fire safety requirements.

OVERLAY – OVERLAY ZONE – A zoning "overlay" builds on the underlying zoning, by establishing additional or stricter standards and criteria; the standards of the overlay zone apply in addition to those of the underlying zoning district. Overlay zoning can be an effective tool for communities to use in protecting specific resources from development pressures.

PARCEL – An area of land to be subdivided or consolidated. (See also "lot.")

~~PARKLANDS – See "park/playground (public or private)."~~

PARKING ~~SPACE –~~ SPACE – An area for the temporary parking of a motor vehicle consisting of at least 180 square feet with a minimum width of 9.0 feet.

PARK/PLAYGROUND – Public or Private land reserved and minimally improved for recreational, educational or scenic purposes available to the general public or to a limited membership and may include facilities such as ball fields, tennis and basketball courts, playground equipment, storage and service buildings and picnic shelters, but excludes outdoor recreational (participant or spectator) uses as defined in this code.

PERIMETER LANDSCAPE STRIP – The land adjacent to front, side and rear lot lines, included within the same space for required setbacks but solely designed and used for buffering and transition between lots. Irrespective of allowable structures or uses within such required setbacks, the perimeter strip shall not be used for parking. Driveways and walks are permitted to transverse a perimeter strip to allow for necessary vehicle and pedestrian movements. It is intended that such perimeter strip be used for planting of trees, shrubs, flowers, and evergreens to provide neighborhood beautification and separation of incompatible land uses.

PERSONAL SERVICE USE – A commercial activity where the customer is typically present and is the direct object of the services received and characterized by the direct on-premises sale of services to the ultimate customer and includes uses commonly referred to ~~as –~~ as – "barbershops," "beauty salons," "dry cleaners," "self-service laundries" and similar activities. (See also "retail use.")

PLACE OF WORSHIP – A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by state statute.

PLANNED DEVELOPMENT DISTRICT ~~–~~ – (PDD) – Districts that are predominantly retail commercial in nature but may include some residential land uses and are intended to provide for developments that incorporate complimentary uses and innovative design features that promote aesthetic quality and superior functionality of higher density development.

PLANNED DEVELOPMENT ENTERTAINMENT AND TOURISM DISTRICT ~~–~~ – (PDET) – A development in which the principal activities include indoor and outdoor recreation and entertainment that relate to tourism activities or events. (This district designation is intended to regulate activities such as recreational park, casinos, sports complexes, entertainment uses and supporting facilities.)

PLANNED UNIT DISTRICT DEVELOPMENT (PUD) – Developments that are predominantly residential and have creative site design and a mix of uses by incorporating flexibility into special ordinances that are exclusive to the PUD, especially with regard to use, setbacks and minimum lot sizes. PUD's may include provisions to encourage clustering of buildings, designation of common open space, and incorporation of a variety of building types and land uses.

PLANNING ~~BOARD or BOARD –~~ BOARD – The Planning Board of the Town of Aurelius.

~~PRELIMINARY PLAT – A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in §117-22 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.~~

PRIVATE CLUB – A facility under the direct supervision and control of a charitable, religious, fraternal, social service, public or similar community organization, including not-for-profit corporations, providing, and generally limited to, club membership, a place of congregation or meeting for purposes of education, training, counseling, active or passive recreation or similar pursuits, including social facilities. This land use may include incidental facilities for serving food and beverages. This term shall not include schools, adult entertainment or retail business activities.

PROPERTY LINE – Legal boundary surrounding any area of land that is properly recorded on a deed, survey or tax map with the Town and/or County Clerk. For purposes of this code, any street, highway, or railroad ROW line shall also be considered a property line. Power and utility transmission ROW lines shall not be property lines unless explicitly noted in appropriate legal documents.

PUBLIC SELF-STORAGE FACILITY – A land use characterized by the retail rental of storage space or units for holding personal or business items with direct customer access to the storage space. Examples ~~include –~~ include – mini-warehouse, public storage, or self-storage facilities; the use excludes– temporary or portable units, such as "PODS" tractor-trailers or storage trailers (with or without wheels), that remain on-site for a period of less than 60 days.

~~REAR YARD – See "yard, rear" (applicable to other derivations, e.g., rear yard depth).~~

~~RECREATION AREA – See "park/playground (private)" or "outdoor recreation - participant."~~

RECYCLING BULK PROCESS FACILITY – A principal land use engaged in the commercial bulk collection of recyclable materials from off-site or unrelated sources, and may include the associated storage, processing, distribution and/or resale of these materials. Materials collected may include appliances, motor vehicles, construction waste, by-products of manufacturing processes, organic materials and materials received from recycling collection sites (see separate definition). Recyclable materials exclude any material considered under the Town Code to be garbage.

RECYCLING COLLECTION SITE – A principal, secondary or accessory land use engaged in the collection of recyclable materials directly from consumers and includes the temporary storage for transfer to a recycling bulk processor or an approved waste disposal site. For purposes of enforcement, these sites, when permanently established, shall be considered retail uses. Such uses may ~~include –~~ include – collection bins or equipment for bottles and cans, batteries (excluding motor vehicle batteries), paper products, plastics, packaging or similar types of items commonly used in households or offices. These uses specifically exclude– the collection of any organic by-products or waste, typical household or office trash, medical waste, furniture, appliances or any motor vehicles. Examples include– redemption centers, bottle and can collection areas or equipment at retail stores, temporary (nonprofit fundraising) collection

sites, or retail stores accepting trade-in products, such as computers or similar electronic equipment.

RECYCLING PROCESS – An activity that collects, transforms, compacts, breaks down or otherwise converts waste, by-products of manufacturing processes, or finished products into smaller or component parts. These parts may then be disposed of in an approved waste disposal site or made available for reuse in any other process, such ~~as~~ as – manufacturing, construction, or agriculture. Examples ~~include~~ include – glass crushing, reprocessing of road asphalt, composting, paper reprocessing, metal separation, organic-waste treatments, separation or refinement of chemicals or paints, motor vehicle oil (used) re-treatment.

RECYCLING PROCESS FACILITY – Equipment, structure or area of land used as a secondary or accessory land use in a recycling process. This facility shall be integral or directly related to the production process of any principal agricultural, commercial or industrial land use. Examples ~~include~~ include – organic composting bins or areas, animal waste (manure) holding areas and spreading equipment, or treatment plants for manufacturing by-products or waste. A recycling facility for typical household residential uses (e.g., garden composting bins) is excluded from this definition.

REGULATION GOLF COURSE – A public or private golf course consisting of nine or more holes with grass tees, fairways and greens.

~~RELIGIOUS INSTITUTION – A building used by people to regularly gather, attend and/or participate in religious services, ceremonies, instruction, meetings or similar activities and includes buildings commonly referred to as "churches," "synagogues," "meeting houses" or "temples"; the use may also include attached or detached dwelling units for a caretaker and/or primary religious official and their families.~~

RENDERING PLANT – A facility to process and convert raw animal products, by-products or general food waste into nonfood products that may be commercially usable for agricultural, industrial or consumer purposes, such as oil, soap, or fertilizer.

RESIDENTIAL LOT and RESIDENTIAL BUILDING PLOT – Any parcel of land of whatever size, any point on the boundary line of which is less than one-half mile from a point on the boundary line of another lot in the same tract, unless any lot may not legally be used for residential purposes.

RESTAURANT – A building or portion of a building occupied for the retail sale of food and/or beverages that are prepared and served in a ready-to-consume state for either on- or off-premises consumption. This definition includes uses commonly referred to ~~as~~ as – "luncheonettes," "snack bars," "family restaurants," "ice cream or pizza parlors," "take-out restaurants," "taverns," "inns" and "cafes." Excluded ~~are~~ are – nightclubs/dance halls, temporary facilities associated with carnivals, field days, charitable fundraising or similar events and the incidental retail sale of prepared food accessory to another principal use, such as a gasoline service station or employee cafeterias and snack areas.

~~RESUBDIVISION – See "subdivision."~~

RETAIL USE – An activity primarily characterized by the on-premises sale and display of goods and services to the consumer; the use may contain areas for related accessory uses. Examples include uses commonly referred to as– "department stores," "hardware stores," "grocery stores," "boutiques," "craft shops," "appliance repair shops," "video rental stores" and "personal service uses" (defined separately in this code). Excluded are the following principal ~~uses —~~uses – restaurants; gasoline service stations; motor vehicle sales, service or rental; and outdoor retail sales, display or service.

REVERSE FRONTAGE / REVERSE ACCESS – Frontage on an access road constructed at the rear of lots fronting on a major roadway (example: Route 5 and 20).

RIGHT-OF-WAY (ROW) (same as the Road Line and not to be confused with the edge of pavement) – The legal boundary of the edges of a public or private road, street, highway, railroad, waterway or similar transportation corridor. Such boundaries are typically controlled and set by government agencies and/or state law. Current ROW lines may supersede an older property survey or deed description. The ROW line is the same as the street line forming the front or side property line of abutting lots. All setbacks shall be measured from this ROW line for lots abutting public streets unless indicated within an Overlay District.

ROUTE 5 AND 20 CORRIDOR (as denoted in NYSDOT GIS data) ~~—~~– The entire length of the Route 5 and 20 / Clark Street Road and right-of-way between the City of Auburn of Auburn municipal boundary extending to the northwest corner of Aurelius at the Town Line, encompassing 1,500 feet north and south from the centerline of the road.

SCHOOL – A public or private institution providing a curriculum of elementary and secondary academic instruction and includes a kindergarten, elementary, middle and high school. It includes other educational institutions including vocational, trade or boarding schools, colleges or the offering of group instruction within a residence.

~~SECONDARY USE – See "use, secondary."~~

~~SELF-STORAGE FACILITY – See "public self-storage facility."~~

SERVICE STATION – A small, traditional station capable of servicing fewer than five (5) vehicles simultaneously or fueling no more than four vehicles at any one point in time, including ancillary sales of retail goods occupying no more than 200 square feet of floor area.

SETBACK – The minimum or maximum (as set forth in each zone district) distance formed by a line connecting two points measured towards the interior of a lot from the front, side and rear property lines forming the boundaries of the lot's buildable area and required yard areas. For irregular or curved property lines, the distance shall be a line parallel to the property line and coterminous with any associated street or road right-of-way. (See also "yards, required.")

SHOPPING CENTER – Land planned, improved and managed to accommodate a grouping of two or more commercial uses in one or more buildings designed to share parking, access, signage and other site services; uses commonly included within a shopping center ~~are —~~are –

retail stores, restaurants, drive-in services, gasoline service stations, indoor recreation and offices. Two or more separately owned commercial units shall not be deemed a shopping center solely by virtue of the fact that they share a common access to adjoining highways and/or parking facilities.

~~SHORELINE – The physical boundary of a water body and may fluctuate with natural changes in water elevation. Unless established by a federal or state agency, the shoreline shall be the annual mean high-water mark, as determined by a professional civil engineer or a licensed surveyor. (See also "lot, shoreline;" "lot width;" "shoreline;" and "structure, shoreline.")~~

~~SHORELINE IMPROVEMENTS – Installation of any man-made materials or modifications to existing natural conditions to facilitate access, swimming, boating, or fishing to an adjacent body of water. It includes but is not limited to such activities as excavation of boat slips or launches; installation of piers, docks, decks, or walls.~~

~~SHORELINE LOT – Any property that has at least one property line or portion of a property line within or adjacent to a water body. For enforcement purposes, the front of a lot shall be along a property line adjacent to an existing or proposed public or private right-of-way. The portion of a lot adjacent to a water body shall be subject to the width, setback or other provisions of any applicable OVERLAY ZONE.~~

~~SHORELINE LOT WIDTH – The width of property adjacent to a water body shall be measured as the most direct straight or curved line parallel to the approximate center line of the adjacent water body, as determined by the Commissioner of the Department of State. The natural variations of a shoreline shall not be used to determine the shoreline width of a property.~~

~~SHORELINE STRUCTURE – A type of accessory structure, as defined in this code, specifically designed or modified to facilitate direct access to an adjacent water body, such as a storage building or boathouse that affords protection and/or storage to boating craft while remaining in the water.~~

SIGN – Any structure; natural object or part thereof; device; or inscription, which is represented on any land or the outside of any building used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, words, numerals, emblems, symbols, models, banners, flags, pennants, insignia, trademarks, devices or representations used as, or which is in the nature of, an announcement, direction, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, industry or public performance.

~~SIGN, ADVERTISING – A sign, including those which are composed of light rays only, calculated to attract public attention to a product, service or undertaking encompassing activities off the property where such signs are situated, including what are commonly termed "billboards," "posters," "symbols," and similar devices of whatever composition, size, location or color.~~

~~SIGN, ANIMATED – A sign or any portion thereof having movement by mechanical or natural means, including, by way of illustration and not limitation, rotating signs, wind signs and signs~~

where movement is simulated by illumination devices. This term shall include the use of blinding, flashing and general intermittent light, as opposed to light of a constant intensity. All time and/or temperature devices as defined herein shall not be considered animated, whether or not they contain or are incorporated into a sign.

SIGN AREA – The entire area within a single continuous perimeter enclosing the extreme limits or writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is situated.

SIGN, BUSINESS – A sign identifying and directing attention to a business offering a commodity, service, industry or other activity which is sold, offered or conducted. Such sign is to be located, pursuant to this code, directly on or at the business location, within the property boundaries or within the leased area for multiple occupants. Examples include freestanding, marquee, projecting, roof and wall signs, as defined by this code.

SIGN, CONSTRUCTION – A sign located in commercial and industrial zones; means a sign containing only the identification of persons or firms directly associated with the development or improvement of real property, such as architects, engineers, developers, construction companies, suppliers and sponsors, but expressly excluding products, services and other forms of advertising.

SIGN COPY CHANGES – Change of copy on a sign, the customary use of which involves frequent and periodic changes of copy such as those customarily associated with theatre marquees and bulletin boards.

SIGN DISPLAY SURFACE – The surface made available by the structure, either for the direct mounting of letters and decoration or for the mounting of facing material intended to carry the entire advertising message.

SIGN FACING – The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN, FREESTANDING – A sign which is supported by one or more uprights or braces in or upon the ground.

SIGN HEIGHT – The vertical distance from the uppermost point of a sign (measured from a ten-foot radius of the sign structure or structural trim) to the average ground height beneath the sign and within the structure thereof.

SIGN, INFORMATION – A sign which contains information intended exclusively as a public service and of a noncommercial nature indicating such facilities as rest rooms, public telephones, bus stops and rest areas. In addition, this category shall include garage sale signs and home occupation signs.

SIGN LETTERS AND DECORATIONS – The letters, illustrations, symbols, figures, insignia, and other devices employed to express and illustrate the message of the sign.

~~SIGN MAINTENANCE – Routine maintenance, including minor repairs, such as repainting, bulb replacement and repair of electrical or mechanical parts.~~

~~SIGN, MARQUEE – A sign attached to or hung from a marquee. "Marquee" means a canopy or similar structure projecting from a building.~~

~~SIGN, OFFICIAL – A sign established pursuant to governmental authority or used for the identification of public buildings, facilities and activities, and shall include traffic regulation devices authorized by the Vehicle and Traffic Law of the State of New York and any other sign authorized and required under local, state or federal law.~~

~~SIGN, OPEN HOUSE/RESIDENTIAL REAL ESTATE SIGN – A sign promoting an "open house."~~

~~SIGN, POLITICAL SUBDIVISION AND CIVIC – A sign in the nature of a flag or pennant containing the insignia or emblem of a political subdivision, nonprofit civic-oriented organization or fraternal order, and displayed on special occasions as an incident to the activities of such organizations, and shall expressly exclude private identification signs.~~

~~SIGN, PRIVATE TRAFFIC – A sign situated within private property providing information for traffic movement and storage, such as directional signs, parking areas, freight and loading areas, prohibited parking areas, points of ingress and egress, speed limits and related items, but expressly excluding off-street parking lot or garage identification signs.~~

SIGN, PROJECTING – A sign which is affixed to any building wall or structure and extends beyond the building wall or parts thereof more than 15 inches horizontally, and no portion of which projects above the roofline or parapet of a building.

~~SIGN, PUBLIC SAFETY – A sign containing information designed for the protection and safety of the general public, such as warnings of danger areas, trespassing notices, work areas, utility warnings, street elevators, sentry dogs, security systems, safety warning devices and similar notices.~~

SIGN, ROOF – A sign, any portion of which is either situated above the upper edge of any building wall or parapet (except as otherwise provided in the definition of "wall sign" below) or erected or painted on or above the roof covering any portion of a building, including signs supported on the roof or on an independent structural frame located on the side or roof of a penthouse, roof tank, roof shed, elevator housing or other roof structure.

~~SIGN, SITE DEVELOPMENT – A sign containing the identification and nature of the development or improvement of residential real property along with the listing of architects, developers and sales organizations.~~

~~SIGN, STATUARY – An inscription commemorating an event of unique historical, social, cultural or geographical significance.~~

~~SIGN STRUCTURAL TRIM – The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.~~

~~SIGN STRUCTURE – The supports, uprights, bracing and framework of the sign~~

~~SIGN, TEMPORARY PROMOTIONAL OR ANNOUNCEMENT – A sign installed and maintained pursuant to this code that is designed to inform the general public of an event, festivity or related enterprise of an exclusively temporary nature, sponsored by a nonprofit organization or governmental unit.~~

~~SIGN, TIME AND/OR TEMPERATURE DEVICE – Any instrumentality visible to the general public, which provides information as to time and/or meteorological conditions.~~

SIGN, WALL – A sign which is affixed and parallel to an exterior wall of a building, projecting not more than 15 inches therefrom, and extending not more than three feet above the roofline or parapet of the building; where a sign extends above three feet, it shall be considered a roof sign.

~~SIGN, WINDOW – A sign situated on the interior of a window, not forming an integral part of a window display~~

~~SIGN, WINDOW DISPLAY – A sign situated on the interior of a window and forming an integral part of a window display.~~

~~SITE PLAN – See "graphic plan"; see also "site plan review."~~

SITE PLAN REVIEW – An examination of a proposed land development by the Town Planning Board pursuant to the guidelines and standards Article ~~XVI~~ XVII of this code.

SKETCH PLAN – A sketch of a proposed subdivision showing the information specified in § 100-54 of this to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

SLAUGHTERHOUSE – A facility where animals are temporarily held, butchered and prepared for either retail or wholesale market consumption.

SMALL BUSINESS – A small commercial enterprise that employs no more than five (5) individuals, requires no more than ten (10) parking spaces or generates no more than an average of 30 vehicle trips per day.

SPECIAL PERMIT USE – A land use which is deemed to be generally appropriate within a given zoning district or districts but which may exhibit characteristics or create impacts that are incompatible in some locations within the district and is therefore not permitted by right everywhere within such district. A special permit use is subject to approval by the Planning Board in accordance with the general and specific conditions set forth in this chapter and is allowable only when such conditions are met.

~~SMART GROWTH – The use of Town comprehensive planning to guide, design, develop, revitalize and build communities for all that: have a unique sense of community and place; preserve and enhance valuable natural and cultural resources; equitably distribute the costs and~~

~~benefits of development; expand the range of transportation, employment and housing choices in a fiscally responsible manner; and value long-range, regional considerations of sustainability.~~
STORAGE – See "public self-storage facility."

~~STORAGE UNIT, PORTABLE – An incidental and temporary structure to hold or shelter materials; examples include storage trailers, box trailers, inflatable units, tents.~~

STREET – A public or private right-of-way affording the public vehicular and/or pedestrian access to abutting property. (See "right-of-way.") Includes streets, roads, avenues, lanes or other traffic ways between right-of-way lines.

STREET LINE – A single line formed by the intersection or overlap of the street or road right-of-way boundary and the abutting property line.

STREET PAVEMENT – The wearing of exposed surface of the roadway used by vehicular traffic.

STREET WIDTH – The width of the right-of-way, measured at right angles to the center line of the street.

STRUCTURE – Anything constructed, erected or otherwise situated on the land, whether of a permanent or temporary nature.

STRUCTURE, ACCESSORY – A building, structure or mechanical equipment or decorative device attached to or detached from a principal structure, located on the same lot or property and is subordinate and incidental to the use of the principal structure. The term includes improvements such as– mailboxes, garages, storage sheds, waste disposal equipment, antennas, swimming pools, parking/loading areas and signs.

STRUCTURE, ACCESSORY (UTILITY OR TOWER) – An accessory facility or structure serving or being used in conjunction with a telecommunications tower, and located on the same lot as the telecommunications tower, including utility or transmission equipment storage sheds for cabinets.

STRUCTURE, PRINCIPAL – A building, structure or mechanical equipment designed, built, occupied, or used by the principal land use activity allowed on the lot.

~~STRUCTURE, SHORELINE – See "shoreline structure."~~

SUBDIVIDER – Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION – The division of a single parcel of land into two or more blocks, lots, or plots, with or without streets or highways, for sale, lease, any similar conveyance or future development. Parcels may be located along an existing or proposed street, highway, easement or right-of-way for sale or rent as residential lots or residential building plots or as business, commercial or industrial lots or building plots, regardless of whether the lots or plots to be sold or offered for sale, or leased for any period of time, are described by metes and bounds or by

reference to a map or survey of the property, or by any other method of description, and regardless of whether the lot or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the residential lot or residential building plot or of a business, commercial or industrial lot or building plot within any consecutive five-year period and upon such sale, rental or offer for sale or lease. The provisions of § 1116 of the Public Health Law shall apply to all such parcels thereof, including the first four parcels, regardless of whether said parcels have been sold, rented or offered for lease or sale, singly or collectively.

~~SUBDIVISION, MAJOR – Any subdivision not classified as a "minor subdivision."~~

~~SUBDIVISION, MINOR – A subdivision or a subdivision and a re-subdivision or re-subdivisions within a ten-year period, dividing a parcel of land into four (4) or fewer lots or sub-parcels each containing at least the minimum frontage on existing public streets required by Zoning and requiring no new streets nor the creation or extension of improvement districts for the supply of water, sewer or drainage facilities and having no substantial adverse effect upon, access to, use or development of the remainder of the parcel or adjoining parcels.~~

~~SUBDIVISION ADJUSTMENT – The relocation of an existing lot line(s) between two or more legally existing lots without creating new streets, curb cuts, infrastructure needs or lots; or the elimination of a lot line consolidating two existing legal or legal nonconforming lots without creating new streets, curb cuts, or infrastructure needs. For purposes of § 230-28F (Subdivision adjustments) of this code, legally existing lots may also include lots on an approved un-filed plat map.~~

~~SUBDIVISION PLAT or FINAL PLAT – A drawing in final form showing a proposed subdivision, containing all information or detail required by law and by these regulations, to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk. Plats shall be approved by the signature and seal of a lawfully practicing SURVEYOR.~~
SURVEYOR – A person licensed as a land surveyor by the State of New York.

SWIMMING POOL – An accessory structure includes artificially constructed pool, tank of receptacle for water, having a water depth at any point greater than twelve inches or more, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or on the ground and meeting all the requirements of the Building Code of New York State.

~~SWIMMING POOL ENCLOSURE – See FENCE. In addition, a FENCE that meets all the requirements of the Building Code of New York State as an enclosure for a swimming pool.~~

~~TELECOMMUNCIATIONS~~ TELECOMMUNICATIONS – The transmission and reception of audio, video, data and other information by wire, radio and other electronic or electromagnetic systems.

TELECOMMUNICATIONS FACILITY – Telecommunications towers and associated antennas and accessory structures.

~~TELCOMMUNCIATIONS~~ TELECOMMUNICATIONS TOWER – A structure designed to support antennas. It includes, without limit, freestanding towers, guyed towers, monopoles and similar structures that employ camouflage technology. It is a structure intended for transmitting and/or receiving radio, television, telephone or microwave communications, but excluding those used either for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar communications.

THEATER, INDOOR – A form of indoor recreation-spectator use comprised of two main permanent building ~~components –~~ components – a display or performance space (stage, movie screen, podium, etc.) and customer sitting areas for viewing and listening to presentations/performances. It may include incidental areas for the sale of prepared food and drinks (snack-beverage bar, vending machines), but not designated eating or dining areas.

TOWER – Any tower, pole, windmill or other structure, whether attached to a building, guyed or freestanding, designed to be used for and/or for the support of any device for the transmission and/or reception of radio frequency signals, including, but not limited to, broadcast, shortwave, citizen's band, FM or AM television, microwave and any wind driven devices, whether used for energy production or not.

~~TOWN CENTER – A concept calling for a mix of retail businesses offering goods and services such as clothing, home décor, books, music, gourmet foods, art, dining, and entertainment for residents and visitors. No specific architectural style is required; however, a strong emphasis on a coordinated design approach to full build out of a Town Center is normally employed. High-quality building design and materials is encouraged.~~
TOWN ENGINEER – The duly designated Engineer of the Town.

~~TOWNHOUSE – A series of principal structures combined into a larger single building. Each building is a series of single-family dwelling units, having a common wall between each unit with each unit having separate utility services and being located on a separate filed lot.~~
TRACT – Any body of land, including contiguous parcels of land under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

~~TRASH TRANSFER STATION – See "recycling bulk process facility."~~

TRUCKING TERMINAL – Land and buildings used as a relay station for the transfer of cargo from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage. The terminal facility may include pickup and drop-off areas, parking areas for trucks, and structures or areas for the servicing of trucks associated with the terminal.

~~USE, ACCESSORY – An activity located on the same lot or property which is incidental to a principal use that is subordinate and supportive in purpose to the principal use. Some examples include uses such as – management offices for business, institutional or industrial establishments; incidental machine or equipment repair for retail businesses.~~

~~USE, PRINCIPAL – The major use or activity occurring on a lot and defining the overall purpose of the land and structures.~~

~~USE, SECONDARY – A minor land use within a larger principal land use or structure that does not directly relate or support the principal land use. Secondary uses are permitted when specified in a district, subject to the designated review.~~

UTILITY SUBSTATION – Land occupied by a building, structure or equipment used for private business or by a private or public utility service regulated by the NYS Public Service Commission or a federal agency in the transmission or collection of energy, water, or sanitary waste and may include communication towers, transmission poles and towers, cellular phone towers or antennas, pump stations, and equipment monitoring buildings. It excludes transmission facilities for public broadcasting use; offices for public benefit; vehicles, equipment and material storage; warehousing and similar functions.

VETERINARY CARE FACILITY – A business providing for the care, medical treatment and incidental boarding of dogs, cats, similar domestic animals, and/or farm animals.

WAREHOUSE – A building primarily designed or used for the storage of materials, such as consumer products, business or administrative records, industrial or agricultural supplies, tools or equipment, and/or personal items. This definition excludes public self-storage facilities, wholesale uses, and truck terminals, separately defined in this section.

WHOLESALE – A commercial activity characterized by the bulk storage, distribution and/or sale of merchandise to other retail, manufacturing, construction contracting, institutional or wholesale establishments. This use may include provision for related administrative offices, product showrooms, truck storage and parking areas. It excludes facilities for the storage and distribution of petroleum, natural gas or hazardous chemicals.

WILDLIFE MANAGEMENT AREAS (WMA's) – Lands under the control and management of the Department of Environmental Conservation's Division of Fish, Wildlife and Marine Resources. These lands are primarily intended for the preservation of wildlife habitat, the unrestrained propagation of wildlife, the enjoyment of wildlife, and the pursuit of traditional hunting and fishing within a natural and unrestrained environment.

YARD – The land area of a lot or property unoccupied by principal structures or principal land use activities. Yards are typically occupied, used or improved with landscaping, signs, parking, pavements and similar minor and incidental structures or activities. Yards or portions of yards may be both regulated and unregulated by this code according to the zone district and/or the supplemental regulations. (See also definitions for "yard, required" and each type of yard.)

YARD, FRONT – The required open space extending across the entire width of the lot between the front property line and the required front setback distance measured from the centerline of the highway right-of-way. Permissible intrusions into the front yard may include steps and ramps that are minimally necessary for access, and do not protrude above the finished grade within the highway ROW more than 6.0" in height with the exception of street elements necessary for safety, approved signs and landscaping.

YARD, REAR – An open, unoccupied space, except for walks, patios, paved areas, accessory structures and the parking of motor vehicles, on the same lot with the building between the rear building line and the rear lot line and extending the full width of the lot.

YARD, REQUIRED – The areas of land within a property and measured inwardly from the property lines specifically regulated by this code as to the type and nature of permitted structures, improvements or activities. The requirements may vary by zone districts, land use or other criteria. The required yards are for multiple purposes, such as perimeter landscape strips, vehicular separation, aesthetics, fire protection, snow storage and drainage. (See also definitions for "setback, yard" and each type of yard.)

YARD, SIDE – An open, unoccupied space on the same lot with the building, situated between the side building line and side lot line, and extending between the required front yard and rear yard. It may be occupied by walks, patios, pavement, fencing and eaves, cornices, and similar portions of the principal structure.

ZONE DISTRICT – Legal areas established by this code to organize and regulate private land development activity within the Town. A zone district will typically encompass many properties that may be occupied or used by a variety of land uses. The land uses regulated by a district are based upon the specific text included in this code.

~~ZONING ENFORCEMENT OFFICER (ZEO or CEO) The person or persons appointed by the Town of Aurelius as the administrative official responsible for enforcing the Zoning Law as well as other State and local code requirements.~~

~~ARTICLE II~~
~~Zoning Districts~~
ARTICLE II

ZONING DISTRICTS

§ 100-3 ~~§ 100-3~~ **Enumeration of ~~districts~~Districts.**

For the purpose of this chapter, the Town of Aurelius is hereby divided into the following types of districts:

~~A Agricultural Zoning District~~
~~AR Agricultural Residential Zoning District~~
~~RH Rural Hamlet Zoning District~~
~~R Residential Zoning District~~
~~C Commercial Zoning District~~
~~I Industrial Zoning District~~
~~C-O Land Conservation Overlay District~~
~~H-O Highway Overlay~~
~~PDD or PUD Planned Development District (including Mobile Home Parks)~~

~~§ 100-4 District objectives.~~

A	Agricultural Zoning District
AR	Agricultural Residential Zoning District
RH	Rural Hamlet Zoning District
R	Residential Zoning District
RR	River Road Residential Zoning District
C	Commercial Zoning District
I	Industrial Zoning District
C-O	Land Conservation Overlay District
H-O	Highway Overlay
PDD or PUD	Planned Development District (including Mobile Home Parks)

§ 100-4 **District Objectives.**

A. ~~A.A –~~ A – Agricultural District: To maintain active farming areas as the preferred land use while providing for limited low-density housing development primarily oriented to active agriculture. All development should be planned to maintain as much agricultural land and open space as possible.

B. ~~B.AR –~~ AR – Agricultural-Rural Residential District: To maintain active farming areas as the preferred land use while providing for low-density housing development that is compatible with farm uses but has long-term potential for public water service. All development should be planned to maintain as much as possible agricultural land and open spaces.

C. ~~C.RH –~~ RH – Rural Hamlet District: To provide for a cluster of moderate-density neighborhood housing development and neighborhood services in traditional hamlet form while maintaining the generally rural character of the town. (Example: Half Acre crossroads).

D. ~~D.~~R ~~—~~ – Residential District: To provide for moderate-to-high-density housing development in or adjacent to the City of Auburn, Village of Cayuga and hamlets including the provision of affordable housing. This zoning district will be served by municipal water and sewer or may be located in areas where improvements to water and wastewater infrastructure are most likely to take place over time. Also, to provide for small-scale commercial services necessary for residential area.

E. RR – River Road Residential District: To provide for moderate density housing development in an area of River Road spanning approximately 38 acres which formerly owned by New York State and developed with no adherence to zoning laws that existed at that time. This zoning district will be served by municipal water and sewer or to sites that are likely to be serviced by public water and sewer as proposed in short term (5 years or less). It is intended to promote the formation of neighborhoods in a moderate density suburban setting as a logical extension to the adjacent residential areas in City of Auburn and Village of Cayuga and to promote logical and efficient infrastructure. This district is intended to avoid inefficient land use patterns and to avoid and minimize impacts to significant environmental features, agriculture and open space. It is furthermore intended to accommodate the continued use of limited groups of existing lots which pre-exist zoning codes and which lack either public water or sewer services.

F. ~~E.~~C ~~—~~ – Commercial District: To provide for commercial, retail and institutional development within the town which is in close proximity to existing commercial centers and within logical proximity to existing water and wastewater infrastructure.

G. ~~F.I —~~ I – Industrial District: To provide for industrial development within the town and to allow this to occur with compatible large-scale commercial operations.

H. ~~G.~~C-O ~~—~~ – Land Conservation Overlay District: To preserve and protect floodplains and wetlands within the town to ensure against loss of life and property from flooding, to maintain areas as natural stormwater retention basins, to maintain and improve water quality and to maintain natural areas of wildlife and human aesthetic enjoyment.

I. ~~H.~~H-O ~~—~~ – Highway Overlay District: To preserve the hierarchy of the town's highway system and to assure compatibility of land uses with the function of adjoining highways.

J. ~~I.~~PUD / PDD ~~—~~ – Planned Development District:

PUD ~~—~~ – To provide for unified development of generally large-scale, new and innovative projects where one or more types of uses that are compatible with predominantly residential development and rural character that may be within a single project.

Or

PDD ~~—~~ – To provide for unified development of generally large scale, new and innovative projects where a mix of uses that are compatible with predominantly commercial and retail development that is compatible with rural character within a single or phased project.

§ 100-5 ~~§ 100-5~~ Zoning Map.

Said districts are shown, defined and bounded on the map accompanying this chapter entitled "Town of Aurelius Zoning Map," dated _____ **2007**, and signed by the Town Clerk. The Zoning Map and all explanatory material thereon are hereby made a part of this chapter.

§ 100-6 ~~§ 100-6~~ Interpretation of ~~boundaries~~Boundaries.

The district boundary lines are generally intended to follow the center lines of streets, the center lines of railroad rights-of-way, existing lot lines or town boundary lines, all as shown on the Zoning Map. For H-O Highway Overlay Districts, minimum setbacks are measured from the centerline of streets. Along divided highways and arterials, setbacks shall be measured from the centerline of the nearest travel lane as indicated in Section 100-25. For the C-O Land Conservation Overlay Districts, the areas included and boundaries shown are those areas and boundaries indicated by the Federal Insurance Administration (FIA), flood hazard areas for floodplains, and by the New York State Department of Environmental Conservation (DEC) for wetlands. For those areas and boundaries not designated by the FIA as special flood hazard areas but shown on the Zoning Map as being in the C-O Land Conservation Overlay District, a two-hundred ~~-~~foot corridor centered on that stream shall be defined as the boundary of the C-O Land Conservation Overlay District. Where a district boundary does not follow such lines as described above, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street center line or other boundary as indicated.

§ 100-7 ~~§ 100-7~~ Lots in ~~more than one district~~More Than One District.

Where a lot or combination of parcels for which a single development is proposed is located in more than one zoning district, the Zoning Officer shall request the Zoning Board of Appeals to render a determination with respect thereto. The Board shall consider the following factors in making such a determination.

A. ~~A.~~Is there an insignificant area in one district? If so, the standards and regulations for the district which comprises the majority of the lot in question should be applied~~.~~.

B. ~~B.~~Is one of the districts the C-O Land Conservation Overlay District? If so, the impacts of the proposed use should be analyzed to ensure that no degradation of the resources of this district occurs~~.~~.

C. ~~C.~~Is one of the districts in the H-O Highway Overlay District? If so, front yard setback and driveway spacing requirements should apply to ensure that highway functionality and highway safety are preserved.~~D.~~

D. If the proposed plans submitted are not detailed enough to allow complete analysis of the impacts and implications for both zoning districts, the Board may wish to require that the applicant submit detailed plans showing all proposed changes, methods of operation, etc.

~~ARTICLE III~~
~~Use Regulations~~
ARTICLE III

USE REGULATIONS

§ 100-8 Permit Required; Applicability.

~~§ 100-8 Permit required; applicability.~~

In each of the districts, no parcel of land or building shall be used~~.~~ , and no building shall be erected or altered except for one or more of the uses listed for that district and until application is made and approval is granted for a zoning permit. Any action which constitutes the initiation for a use, such as land clearing, grading or excavation, shall not be commenced unless and until a zoning permit is issued pursuant to this chapter, pursuant to Article 24 of the Clean Water Act (including requirements for providing a Stormwater Pollution Prevention Plan SWPPP) and the State Uniform Fire Prevention and Building Code, as amended. Agricultural use of the land (nonstructural) shall be exempt from the provisions of this chapter; however, all structures are required to obtain a building permit. Building permits are valid for one year, after which they expire unless written application for renewal is made before the lapse of 365 days. Building permits may be renewed for a 6-month period for one-half the cost of a new permit at the current rate. No more than three 180~~-~~-day extensions shall be permitted for a single project. Building permits shall be sun-setted (e.g., no longer valid) pending for more than 730 days (2 years) without proof of extraordinary circumstances preventing the start or completion of construction.

§ 100-9 ~~§ 100-9~~ **Permitted ~~principal uses~~Principal Uses.**

Uses shown in this category are required to obtain a zoning permit. A zoning permit shall not be issued for more than one principal use on single lot.

§ 100-10 ~~§ 100-10~~ **Site ~~plan review uses.~~Plan Review Uses.**

A. ~~A.~~Uses shown in this category for each district are required first to comply with review by the Planning Board as set forth in Article ~~XVI~~XVII. All applications for such uses shall be referred by the Code Enforcement Officer (~~COE/ZEO~~CEO) to the Planning Board. After compliance with Planning Board review per Article ~~XVII~~XVIII, the application shall be returned to the Code Enforcement Officer for Action~~.~~ .

B. ~~B.~~If a use is shown in both the site plan review uses and the special permit uses categories, the ~~COE/ZEO~~ CEO shall refer such an application first to the Planning Board for its review and action. No final action shall be taken by the Planning Board in such a case until a referral has been made to the Zoning Board of Appeals and a determination has been rendered to the Planning Board prior to site plan approval.

§ 100-11 ~~§ 100-11~~ **Special ~~permit uses~~Permit Uses.**

Uses shown in this category for each district must be approved by the Planning Board as explained in § 100-66 (C). All applications for uses in this category shall be referred by the

~~COE/ZEO~~ CEO to the Planning Board. Any use that is not listed as a site plan use or special permit use, is considered by the Planning Board to be prohibited but may be considered by the Planning Board subject to the requirements of a special permit. The proposed use shall be submitted to the Planning Board who will evaluate the proposal within the context of pre-existing uses within the zoning district as proposed.

ARTICLE IV

AGRICULTURAL DISTRICT

~~**ARTICLE IV**~~

§ 100-12 Agricultural ~~Zoning~~ District (A).

~~**§100-12 Agricultural zoning district (A).**~~

A. ~~A.~~ Purpose and ~~intent~~Intent.

The Agricultural District is intended to conserve rural portions of the town that are characterized by farms and agricultural operations including residential development that is ancillary to farming and compatible with low density residential development. This district is generally located in land areas where the most productive agricultural soils exist and contains the most viable farmland in the Town. The preferred land use in this district is agriculture and agricultural infrastructure. Properties within this district rely on individual on-site systems for the essential provision of water supply and septic disposal. Therefore, in order to ensure adequate separation of these essential systems; to reduce the amount of nitrates affecting groundwater supplies; to eliminate their potential for contamination and to prevent any undue burden upon the natural environment and landowners, the required minimum residential lot size is the largest within the town (80,000 s.f.) and is "farm based" in nature meaning that the size of residential structures may require a larger lot size. The large lot is intended to promote separation of farms and unrelated residential uses to protect both activities from the potential adverse effects each has upon the other. While, at the same time, allow for affordable housing within portions of the district that are not necessarily viable for farming. The overall level of development within this district is encouraged to be maintained at a low intensity so that the cumulative effects of development are able to be absorbed within the existing unimproved environmental conditions of the area.

1. ~~1.~~ Uses permitted by right with building permit as required shall be as follows:

a. ~~a.~~ Public and private parks and recreation areas~~.b~~.

b. Agriculture, Forestry or farm as defined in § 100-2 Definitions of this article with the following restrictions:

(1) ~~(1)~~ No retail or commercial activity shall take place other than the storage, processing, and sale of farm products predominantly produced by the farmer.

(2) ~~(2)~~ The storage of manure shall not take place within 100 feet of the nearest lot (property) line.

(3) ~~(3)~~No farm stock, horses or other animals other than household pets shall be kept in a building, any part of which is closer to the nearest residential lot line than 50 feet. Manure, garbage, or refuse shall not be stored within 50 feet of a property line and must be a minimum of 150' feet from any potable water supply approved by the Cayuga County Health Department. No garbage, refuse, or practice not endorsed by the New York State Department of Agriculture and Markets shall be used for feed other than that which is actually produced on the farm property or properties.

(4) ~~(4)~~Farms are exempt from the requirements of obtaining zoning or site plan approvals in agricultural zoning districts.

c. ~~c~~Single family dwelling on a permanent foundation and its accessory uses and structures.

2. ~~2.~~Uses permitted upon site plan review (See Article ~~XVI~~XVII) are as follows:

a. ~~a.~~Two-family dwellings.

~~b. Church~~
b. Place of Worship.

c. ~~c.~~Utility Substation, Telecommunications Facility, or Wind Generators (i.e.~~-~~ , Tower Facilities).

d. ~~d.~~Public School.

e. ~~e.~~Farm Stands greater than 3100 square feet of retail floor area.

f. ~~f.~~Natural production uses (see Definitions).

g. ~~g.~~Home Occupations.

h. ~~h.~~Regulation Golf Course.

i. ~~i.~~Hospital.

j. ~~j.~~Gun Clubs and Private Recreation Facilities.

k. ~~k.~~Home Occupation.

l. ~~l.~~Outdoor Wood-Fired Boilers~~[1]~~[3][1].

~~[1] Outdoor Wood-Fired Boilers (OWBs) are only permitted in the Agricultural (A) zoning district.~~

[1] Outdoor Wood-Fired Boilers (OWBs) are only permitted in the Agricultural (A) zoning district.

3. Uses permitted upon issuance of special permit are as follows (See § 100-66 (C)):

a. ~~a.~~Child day-care facility [excluding such facilities described in Social Services Law (See § 390-12 (b) of the Social Services Law)~~.~~].

b. ~~b.~~Private school (nursery school through ~~collage).c~~college).

c. Parks, playgrounds and other similar recreational facilities which are privately operated but not for profit.

d. ~~d.~~Regulation golf courses.

e. ~~e.~~Country store of 3100 square feet or less.

f. ~~f.~~Private recreational campsites.

g. ~~g.~~Tourist home or Hostel.

h. ~~h.~~Farm supply and/or equipment sales or service.

i. ~~i.~~Veterinarian.

j. ~~j.~~Kennel.

k. ~~k.~~Small Business (see definitions).

l. ~~l.~~Commercial Excavation.

m. ~~m.~~Landfill.

n. ~~n.~~Temporary Dwellings.

o. ~~o.~~Outdoor Wood-Fired Boilers.

4. ~~4.All unlisted uses are considered prohibited~~ Any uses not expressly stated as permitted by right, permitted subject to site plan review, or permitted upon the issuance of a special permit are not permitted in this zoning district ~~(see §100-11 Special permit uses).5~~.

5. Supplemental regulations shall apply as follows:

a. ~~a.~~Height, yard and corner lot exceptions~~.b~~.

b. Compliance with Highway and Conservation Overlay Districts.

c. ~~c.~~Off-street parking and loading.

d. ~~d.~~Signs~~.~~.

e. ~~e.~~Screening and landscaping~~f.~~.

f. Accessory uses and structures.

§ 100-13 **~~§100-13~~ Dimensional ~~requirements.~~Requirements.**

A. ~~A.~~Farm, ~~forestry~~ Forestry or Wildlife Management Areas.

Area, minimum (square feet) 5.0 Acres[2]

B. ~~B.~~Residential ~~structures~~ Structures and ~~uses.~~Uses.

1. ~~1.~~Lots shall meet the following form-~~-~~based lot size requirements:

~~Regulation One-family Two-family~~

~~Area, minimum (square feet) 80,000 s.f. 80,000~~
~~Width, minimum (feet) 150 200~~
~~Lot Coverage (maximum %) 10% 10%~~

Regulation	One-family	Two-family
Area, minimum (square feet)	80,000 s.f.	80,000
Width, minimum (feet)	150	200
Lot Coverage (maximum %)	10%	10%

2. Principal structure and accessory structures shall meet the following requirements:

~~Regulation One-family Two-family~~
~~**Front yard setback** 50 50~~
~~*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)~~
~~**Side yard setback**~~
~~One Side (feet) 25 25~~
~~Total both sides (feet) 50 50~~
~~**Rear yard setback**~~
~~Principal structure (feet) 35 35~~
~~Accessory Structure (feet) 20 20~~
~~Maximum Height (feet) 35 35~~

~~C.~~Regulation	One-family	Two-family
Front yard setback	50	50
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25)		

[2] A farm may be less than 5 acres if it is situated adjacent to an existing agricultural parcel or is deemed to be economically viable agriculture by the New York State Department of Agriculture and Markets.

Side yard setback		
One Side (feet)	25	25
Total both sides (feet)	50	50
Rear yard setback		
Principal structure (feet)	35	35
Accessory Structure (feet)	20	20
Maximum Height (feet)	35	35

C. Nonresidential ~~uses~~ Uses and ~~structures.~~Structures.

1. ~~1.~~Lots shall meet the following requirements:

a. ~~a.~~Area, minimum: 80,000 square feet

b. ~~b,~~Width, minimum: 200 feet

c. ~~c.~~Coverage, maximum: 10 %

2. ~~2.~~Principal structure and accessory structures shall meet the following requirements:

a. ~~a.~~Front yard setback: 75 feet
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)

b. ~~b.~~Side yard setback:

(1) ~~(1)~~One side: 15 feet

(2) ~~(2)~~Total of ~~Both~~ both Sides: 50 feet

c. ~~c.~~Rear yard setback for principal structure: 35 feet

d. ~~d.~~Rear yard setback for accessory structures: 15 feet

e. ~~e.~~Maximum Height: 50 feet

ARTICLE V

AGRICULTURAL RESIDENTIAL DISTRICT

~~**ARTICLE V**~~
~~**Agricultural Residential Zoning District**~~

~~**§100-14 Agricultural residential zoning district (AR)**~~

§ 100-14 Agricultural-Residential District (AR).

A. ~~A.~~Purpose and ~~intent~~Intent.

The AR District is intended for undeveloped portions of the town in areas where open space, both for the purposes of farming and to maintain the rural character of the community is important. The district is intended to accommodate the continued use of existing farms in the portion of Town that contains several environmental constraints while allowing for moderate density residential development in appropriate locations (e.g.~~–~~, within areas that generally lack environmental constraints). Residential land use within this district will rely on individual on-site septic systems for wastewater disposal within the estimated planning horizon of 20 years (year 2027) but have potential for public water service within a 20-30~~–~~year period. Therefore, residential lots in this district are larger than the R district to ensure that wastewater effluent does not burden local groundwater supplies. A secondary rationale is to discourage a premature and illogical extension of public sewer infrastructure.

1. ~~1.~~Uses permitted by right with building permit as required shall be as follows:

a. ~~a.~~Single family dwelling on a permanent foundation and its accessory uses and structures~~.2~~.

2. Farm with the following restrictions:

a. ~~a.~~No retail or commercial activity shall take place other than the storage, processing, and sale of farm products predominantly produced by the local farmer.

b. ~~b.~~The storage of manure shall not take place within 50 feet of the nearest lot line~~.c~~.

c. No farm stock, horses, or other animals other than household pets shall be kept in a building, any part of which is closer to the nearest lot line than 50 feet. No garbage or refuse shall be used for feed other than that which is actually produced on the farm property or properties.

d. ~~d.~~Farms are exempt from the requirements of Sections 3 and 4 below (e.g., exempt from Site Plan or Special Permit requirements).

3. ~~3.~~The following uses are permitted upon Site Plan Review (see Article ~~XVI~~XVII)

a. ~~a.~~Two-family dwellings.

~~b. Church~~
b. Place of Worship.

c. ~~c.~~Utility Substation, Telecommunications Facility or Wind Generators.

d. ~~d.~~Public School.

e. ~~e.~~Farm Stands less than 3100 square feet of retail floor area.

f. ~~f.~~Home Occupations.

g. ~~g.~~Regulation Golf Course.

h. ~~h.~~Hospital.

i. ~~i.~~Home Occupation.

j. ~~j.~~Veterinary, Farm Supply and/or Equipment Sales & Service~~4~~.

4. Uses permitted upon issuance of special permit are as follows (See § 100-66 (C)):

a. ~~a.~~Child day-care facility [excluding such facilities described in Social Services Law (See § 390-12 (b) of the Social Services Law)~~.~~].

b. ~~b.~~Private school (nursery school through ~~collage).c~~college).

c. Parks, playgrounds and other similar recreational facilities which are privately operated but not for profit.

d. ~~d.~~Regulation golf courses.

e. ~~e.~~Country store of 3000 square feet or less.

f. ~~f.~~Tourist home or Hostel.

g. ~~g.~~Veterinarian.

5. ~~5.All unlisted uses are considered prohibited~~ Any uses not expressly stated as permitted by right, permitted subject to site plan review, or permitted upon the issuance of a special permit are not permitted in this zoning district ~~(see §100-11 Special permit uses).6~~.

6. Supplemental regulations shall apply as follows:

a. ~~a.~~Height, yard and corner lot exceptions~~.b~~.

b. Compliance with Highway and Conservation Overlay Districts.

c. ~~c.~~Off-street parking and loading.

d. ~~d.~~Signs~~.~~.

e. ~~e.~~Screening and landscaping~~.f~~.

f. Accessory uses and structures.

g. ~~g.~~Mobile homes are prohibited (See Definition).

§ 100-15 **~~§100-15~~ Dimensional ~~requirements.~~Requirements.**

A. ~~A.~~Farm, ~~forestry~~ Forestry or Wildlife Management Areas.

Area, minimum (square feet) 5.0 Acres

B. ~~B.~~Residential ~~structures~~ Structures and ~~uses.~~

~~1~~Uses.

1. Lots shall meet the following requirements:

~~Regulation~~	~~One-family~~	~~Two-family~~
~~Area, minimum (square feet)~~	~~40,000~~	~~40,000~~
~~Width, minimum (feet)~~	~~150~~	~~150~~
~~Lot Coverage (maximum %)~~	~~20%~~	~~25%~~

~~2.~~Regulation	One-family	Two-family
Area, minimum (square feet)	40,000	40,000
Width, minimum (feet)	150	150
Lot Coverage (maximum %)	20%	25%

2. Principal structure and accessory structures shall meet the following requirements:

~~Regulation~~	~~One-family~~	~~Two-family~~
~~**Front yard setback**~~	~~35~~	~~45~~
~~*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)~~		
~~**Side yard setback**~~		
~~One Side (feet)~~	~~25~~	~~25~~
~~Total both sides (feet)~~	~~50~~	~~50~~
~~**Rear yard setback**~~		
~~Principal structure (feet)~~	~~35~~	~~35~~
~~Accessory Structure (feet)~~	~~15~~	~~15~~
~~Maximum Height (feet)~~	~~30~~	~~35~~

~~C.~~Regulation	One-family	Two-family
Front yard setback	35	45
*(Measured from the road ROW line unless the highway overlay applies;		

~~C.~~Regulation	One-family	Two-family
see § 100.25.)		
Side yard setback		
One Side (feet)	25	25
Total both sides (feet)	50	50
Rear yard setback		
Principal structure (feet)	35	35
Accessory Structure (feet)	15	15
Maximum Height (feet)	30	35

C. Nonresidential ~~uses~~ Uses and ~~structures.1~~Structures.

1. Lots shall meet the following requirements:

a. ~~a.~~Area, minimum: 80,000 square feet

b. ~~b.~~Width, minimum: 300 feet

c. ~~c.~~Coverage, (maximum %):~~10~~ 0 %

2. ~~2.~~Principal structure and accessory structures shall meet the following requirements:

a. ~~a.~~Front yard setback: 75 feet
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)

b. ~~b.~~Side yard setback:

(1) One side: 30 feet

(2) Total of ~~Both~~ both sides: 50 feet

c. ~~c.~~Rear yard setback for principal structure: 50 feet

d. ~~d.~~Rear yard setback for accessory structures: 15 feet

e. ~~e.~~Maximum Height: 50 feet

~~**ARTICLE VI**~~

ARTICLE VI

RURAL HAMLET DISTRICT

§ 100-16 Rural Hamlet ~~Zoning~~ District ~~§100-16 Rural hamlet~~ (RH)~~.~~.

A. ~~A.~~Purpose and ~~intent~~Intent.

The Rural Hamlet Zoning District is intended to serve residents within a hamlet or similarly developed setting with limited "neighborhood style" retail, personal or service~~-~~oriented services. This district may include a mix of the aforementioned services with higher density residential development within an existing or planned water district. Small commercial businesses less than 2500 square feet in Gross Leaseable Floor Area (GLA) may be in proximity to residential uses and large~~-~~scale businesses of traffic intensive uses will be discouraged. The interspersing of residential uses in "Traditional Neighborhood Design" is encouraged, including first floor commercial with second story residential or professional office space, to enhance or maintain a balanced historic neighborhood character.

1. ~~1.~~Uses permitted by right with building permit as required shall be as follows:

a. ~~a.~~Single family dwelling on a permanent foundation and its accessory uses and structures~~.~~.

2. ~~2.~~Uses permitted upon Site Plan Review are as follows: (See Article ~~XVI~~XVII):

a. ~~a.~~Retail or Personal services.

b. ~~b.~~Office~~.~~.

c. ~~c.~~Deli, pizza shop or restaurant less than 2500 square feet.

~~d. Church~~

d. Place of Worship.

e. ~~e.~~Two-family dwelling.

f. ~~f.~~Multi-family dwelling.

g. ~~g.~~Service Stations serving no more than four vehicles simultaneously.

h. ~~h.~~Convenience store of 2500 square feet or less.

i. ~~i.~~Second or third story apartment.

j. ~~j.~~Neighborhood oriented commercial service.

k. ~~k.~~Home Occupation~~3~~.

3. Uses permitted upon issuance of a special use permit (See § 100-66-(C)):

a. ~~a.~~Motor vehicle service station with no gas sales.

b. ~~b.~~Multi-family dwelling~~.c~~.

c. Child day-care facility excluding such facilities described in Social Services Law (See § 390-12 (b) of the Social Services Law).

d. ~~d.~~Parks, playgrounds and other similar recreational facilities which are privately operated but not for profit.

e. ~~e.~~Private school (nursery school through college)~~.~~.

f. ~~f.~~Tourist Home ~~–~~ Hostel~~.4~~.

4. Prohibited uses are as follows:

a. ~~a.~~Convenience stores greater than 2500 square feet (GLA).

b. ~~b.Gas~~ Gasoline service stations that service more than four vehicles simultaneously.

c. ~~c.~~Drive-in or Drive through services.

d. ~~d.~~Outdoor sales display or operations.

e. ~~e.~~Mobile Homes (See Definition).

5. ~~5.All unlisted uses are considered prohibited~~ Any uses not expressly stated as permitted by right, permitted by subject to site plan review, or permitted upon the issuance of a special permit are not permitted in this zoning district ~~(see §100-11 Special permit uses).6~~.

6. Supplemental regulations shall apply as follows:

a. ~~a.~~Height, yard, and corner lot exceptions~~.b~~.

b. Compliance with Highway and Conservation Overlay Districts.

c. ~~c.~~Off-street parking and loading.

d. ~~d.~~Signs~~.~~.

e. ~~e.~~Screening and landscaping~~.f~~.

f. Accessory uses and structures.

§ 100-17 § 100-17 Dimensional requirements. Requirements.

A. A. Residential structures Structures and uses. Uses.

1. 1. Lots shall meet the following requirements:

Regulation	One-family	Two-family	Multi-family
Area, minimum (square feet)	20,000	20,000	20,000 plus
with public water and sewer	12,500	12,500	3,000 s.f per d.u. In excess of 2, but no more than 4 d.u.
Width, minimum (feet)	100	100	100
Lot Coverage (maximum %)	30%	25%	50%

2. Principal structure and accessory structures shall meet the following requirements:

Regulation	One-family	Two-family	Multi-family
~~Area, minimum (square feet)~~	~~20,000~~	~~20,000~~	~~20,000 plus~~
~~with public water and sewer~~	~~12,500~~	~~12,500~~	~~3,000 s.f per d.u. In excess of 2, but no more than 4 d.u.~~
~~Width, minimum (feet)~~	~~100~~	~~100~~	~~100~~
~~Lot Coverage (maximum %)~~	~~30%~~	~~25%~~	~~50%~~

~~2. Principal structure and accessory structures shall meet the following requirements:~~

~~Regulation~~	~~One-family~~	~~Two-family~~	~~Multi-family~~
Front yard setback (feet)	30	30	45
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)			
Side yard setback			
One Side (feet)	15	15	15
Total both sides (feet)	35	35	35
Rear yard setback			

Principal structure (feet)	35	35	35
Accessory Structure (feet)	10	10	10
Maximum Height (feet)	35	35	35

B. ~~B.~~Nonresidential ~~uses~~ Uses and ~~structures.1~~Structures.

1. Lots shall meet the following requirements:

a. ~~a.~~Area, minimum: 20,000 square feet

b. ~~b.~~Width, minimum: 100 feet

c. ~~c.~~Coverage, maximum: 40 %

2. ~~2.~~Principal structure and accessory structures shall meet the following requirements:

a. ~~a.~~Front yard setback: 80 feet
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)

b. ~~b.~~Side yard setback:

(1) ~~(1)~~One side: 15 feet

(2) ~~(2)~~Total of ~~Both~~ both sides: 30 feet

c. ~~c.~~Rear yard setback for principal structure: 35 feet

d. ~~d.~~Rear yard setback for accessory structures: 10 feet

e. ~~e.~~Maximum Height: 40 feet

~~**ARTICLE VII**~~
ARTICLE VII

RESIDENTIAL DISTRICT

§ 100-18 Residential ~~Zoning~~ District (R).

~~**§100-18 Residential zoning district (R).**~~

A. ~~A.~~Purpose and ~~intent~~Intent.

This district is designed to encourage residential development in conjunction with the provision of public water and sewer services. It is to be applied to areas either currently served with public water and sewer services or to sites that are likely to be serviced by public water and sewer as proposed in short term (5 years or less). Provision of infrastructure in this district may be facilitated by a private developer who is willing to pay for infrastructure

improvements that would benefit his-her project by the resulting increase in development density. Open space protection and/or recreation may be provided on an individual site or neighborhood basis (i.e., neighborhood open space). It is intended to promote the formation of neighborhoods in a moderate density suburban setting as a logical extension to the adjacent residential areas in City of Auburn and Village of Cayuga and to promote logical and efficient infrastructure. This district is intended to avoid inefficient land use patterns and to avoid and minimize impacts to significant environmental features, agriculture and open space. It is furthermore intended to accommodate the continued use of limited groups of existing lots which pre-exist zoning codes and which lack either public water or sewer services.

1. ~~1.~~Uses permitted by right with building permit as required shall be as follows:

a. ~~a.~~Single family dwelling on a permanent foundation and its accessory uses and structures~~.~~.

2. ~~2.~~The following uses are permitted upon Site Plan Review (see Article ~~XVI)~~XVII):

a. ~~a.~~Two-family dwellings.

b. ~~b.~~Multi-family dwellings.

~~c. Church~~
c. Place of Worship.

d. ~~d.~~Utility Substation, Telecommunications Facility or Wind Generators.

e. ~~e.~~Public School.

f. ~~f.~~Home Occupation~~3~~.

3. Uses permitted upon issuance of special permit are as follows (See § 100-66(C)):

a. ~~a.~~Child day-care facility [excluding such facilities described in Social Services Law (See § 390-12 (b) of the Social Services Law)~~.~~].

b. ~~b.~~Private school (nursery school through ~~collage).c~~college).

c. Parks, playgrounds and other similar recreational facilities which are privately operated but not for profit.

4. ~~4.All unlisted uses are considered prohibited~~ Any uses not expressly stated as permitted by right, permitted subject to site plan review, or permitted upon the issuance of a special permit are not permitted in this zoning district ~~(see §100-11 Special permit uses).5~~.

5. Supplemental regulations shall apply as follows:

a. ~~a.~~Height, yard and corner lot exceptions~~.b~~.

b. Compliance with Highway and Conservation Overlay Districts.

c. ~~c.~~Off-street parking and loading.

d. ~~d.~~Signs~~.~~.

e. ~~e.~~Screening and landscaping~~.~~.

f. ~~f.~~Accessory uses and structures~~.~~.

g. ~~g.~~Mobile homes are prohibited (See Definition).

§ 100-19 ~~§ 100-19~~ Dimensional ~~requirements.~~Requirements (R).

A. ~~A.~~Residential ~~structures~~ Structures and ~~uses.~~Uses.

1. ~~1.~~Lots that are not served by public water and sewer that are located within this district shall comply with the dimensional requirements of the Agricultural ~~–~~ Residential zoning district and shall refer to ARTICLE V.

2. ~~2.~~Lots served by public water and sewer infrastructure ~~shall meet the following requirements:~~

~~Regulation~~	~~One-family~~	~~Two-family~~	~~Multi-family~~
~~Area, minimum (square feet)~~	~~20,000~~	~~20,000~~	~~25,000 s.f. up to 4 d.u.~~
~~with public water and sewer~~	~~12,500~~	~~12,500~~	~~an additional 3000 s.f per d.u.~~
~~Width, minimum (feet)~~	~~150~~	~~100~~	~~100~~
~~Lot Coverage (maximum %)~~	~~30%~~	~~30%~~	~~50%~~

~~3. Principal structure and accessory structures shall meet the following requirements:~~

~~Regulation~~	~~One-family~~	~~Two-family~~	~~Multi-family~~
~~**Front yard setback**~~ ~~*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)~~	~~35~~	~~35~~	~~50~~
~~**Side yard setback**~~			

One Side (feet)	15	15	15
Total both sides (feet)	30	30	30
Rear yard setback			
Principal structure (feet)	35	35	35
Accessory Structure (feet)	15	15	15
Maximum Height (feet)	35	35	40

~~B. Nonresidential uses and structures.~~

~~1.Lots~~ shall meet the following requirements:

~~a.~~Regulation	One-family	Two-family	Multi-family
Area, minimum (square feet)	20,000	20,000	25,000 s.f. up to 4 d.u.
with public water and sewer	12,500	12,500	an additional 3000 s.f per d.u.
Width, minimum (feet)	150	100	100
Lot Coverage (maximum %)	30%	30%	50%

~~Area, minimum:40,000 square feet b. Width, minimum: 200 feet~~

~~c. Coverage, (maximum %): 30 %~~

3. ~~2.~~Principal structure and accessory structures shall meet the following requirements:

Regulation	One-family	Two-family	Multi-family
Front yard setback	35	35	50
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)			
Side yard setback			
One Side (feet)	15	15	15
Total both sides (feet)	30	30	30
Rear yard setback			
Principal structure (feet)	35	35	35
Accessory Structure (feet)	15	15	15
Maximum Height (feet)	35	35	40

B. Nonresidential Uses and Structures.

1. Lots shall meet the following requirements:

a. Area, minimum: 40,000 square feet

b. Width, minimum: 200 feet

c. Coverage, (maximum %): 30 %

2. Principal structure and accessory structures shall meet the following requirements:

a. ~~a.~~Front yard setback: 75 feet
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)

b. ~~b.~~Side yard setback:

(1) ~~[1]~~ One side: 15 feet

(2) ~~[2]~~ Total of ~~Both~~ both sides: 35 feet

c. ~~c.~~Rear yard setback for principal structure: 35 feet

d. ~~d.~~Rear yard setback for accessory structures: 15 feet

e. ~~e.~~Maximum Height: 50 feet

~~ARTICLE VIII~~
ARTICLE VIII

RIVER ROAD RESIDENTIAL DISTRICT

§ 100-20 ~~Commercial Zoning~~ River Road Residential District (RR).

~~**§ 100-20 Commercial (C).**~~

A. ~~A.~~Purpose and ~~intent.~~Intent.

This new zoning district for River Road covers a parcel of approximately 38 acres and extends from the New York State Look to the Montezuma Town border at the North end of River Road. This parcel was originally owned by New York State and developed with no adherence to zoning laws that existed at that time. There are currently 62 parcels of varying sizes and dimensions. The parcels are bisected by River Road and River Road is a Town road. All parcels in this zoning district are served by public sewer and water. Most of the parcels have already been developed.

Certain structures on River Road encroach on neighboring parcels of the Town of Aurelius ROW. The owner will be allowed to perform basic maintenance and upkeep on the portion of the structure that is encroaching. You will not become allowed to modify that portion of the structure in any way. Should it become necessary to tear down the encroaching portion or the entire structure, you will not be allowed to rebuild on the existing footprint.

It is to be applied to areas currently served with public water and sewer services or to sites that are likely to be serviced by public water and sewer as proposed in short term (5 years or less). Provision of infrastructure in this district may be facilitated by a private developer who is willing to pay for infrastructure improvements that would benefit his/her project by the resulting increase in development density. Open space protection and/or recreation may be provided on an individual site or neighborhood basis (i.e., neighborhood open space). It is intended to promote the formation of neighborhoods in a moderate density suburban setting as a logical extension to the adjacent residential areas in City of Auburn and Village of

Cayuga and to promote logical and efficient infrastructure. This district is intended to avoid inefficient land use patterns and to avoid and minimize impacts to significant environmental features, agriculture and open space. It is furthermore intended to accommodate the continued use of limited groups of existing lots which pre-exist zoning codes and which lack either public water or sewer services.

1. Uses permitted by right with building permit as required shall be as follows:

a. Single family dwelling on a permanent foundation and its accessory uses and structures.

b. All construction on River Road will require written approval from the DEC and the Army Corps of Engineers. Letters of approval from those agencies must be submitted to the Town prior to site plan approval and/or getting a building permit.

c. Any docks in the canal will require written approval from the NYS Canal Corp.

d. All construction (houses, garages, sheds, etc.) will be done according to Flood Plain regulation and the NYS Building Code.

2. Uses permitted upon issuance of special permit are as follows (See § 100-66(C)):

a. Child day-care facility [excluding such facilities as described in Social Services Law (See § 390-12 (b) of the Social Services Law)].

3. Any uses not expressly stated as permitted by right, permitted subject to site plan review, or permitted upon the issuance of a special permit are not permitted in this zoning district.

4. Supplemental regulations shall apply as follows:

a. Height, yard and corner lot exceptions.

b. Compliance with Highway and Conservation Overlay Districts.

c. Off-street parking and loading.

d. Signs.

e. Screening and landscaping.

f. Accessory uses and structures.

g. Mobile homes are prohibited (See Definition).

h. All residences must be hooked up to the sewer and water.

i. Dimensional requirements.

j. Residential structures and uses.

§ 100-21 Dimensional Requirements.

A. Residential Structures and Uses.

1. Lots served by public water and sewer infrastructure shall meet the following requirements:

Regulation	One-family
Area, minimum (square feet)	20,000
with public water and sewer	8,000
Width, minimum (feet)	50
Lot Coverage (maximum %)	30%

2. Principal structure and accessory structures shall meet the following requirements:

Regulation	*East Side	West Side
Front yard setback (feet) *(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)	15	15
Side yard setback		
One Side (feet)	10	10
Total both sides (feet)	20	20
Rear yard setback		
Principal structure (feet)	N/A	20
Accessory Structure (feet)	10	20
Maximum Height (feet)	35	35

3. It is the concept and intent of this zoning district that no residential structures will be built on the East side of River Road.

B. Nonresidential Uses and Structures.

1. Nonresidential use of this property will not be permitted.

ARTICLE IX

GENERAL COMMERCIAL DISTRICT

§ 100-22 General Commercial (C).

A. Purpose and Intent.

This district is intended to provide a full range of wholesale, retail, personal, professional and office services in a well-~~-~~designed setting. It is primarily to serve as a commercial extension of the City of Auburn and the Cayuga County IDA property and is intended to serve residents throughout the Town. This area will be served by existing public water and sewer infrastructure or will be required to install the infrastructure necessary to serve proposed operations. Uses in this area will rely on adequate access to the state highway system in specified locations via an internal system of local roads and private driveways to accommodate employee and business-~~-~~oriented trips. The district is intended to be situated along State Route 5 and 20 on sites that provide sufficient area for buffering from adjoining residential or agricultural land uses.

1. ~~1.~~Uses permitted by right with building permit as required shall be as follows:

a. ~~a.~~Changes in occupancy in instances where there is not change of use.

b. ~~b.~~Permitted commercial land uses that pre-exist this zoning law.

2. ~~2.~~Uses permitted upon Site Plan Review are as follows: (See Article ~~XVI~~XVII)

a. ~~a.~~Wholesale, retail or personal service use.

b. ~~b.~~Automobile sales, service or repair~~-~~.

c. ~~c.~~Office.

d. ~~d.~~Restaurant.

e. ~~e.~~Mortuary.

f. ~~f.~~Hospital.

g. ~~g.~~Nursing Home.

~~h. Church~~

h. Place of Worship.

i. ~~i.~~Utility Substation.

j. ~~j.~~Multi-family dwelling units associated with Site Plan Review.

k. ~~k.~~Freestanding dwelling units.

l. ~~l.~~Child Daycare Center~~3~~.

3. Uses permitted upon issuance of a special permit (See 100-66-(C))

a. ~~a.~~Shopping Center.

b. ~~b.~~Drive-in Service.

c. ~~c.~~Hotel / Motel.

d. ~~d.~~Private or Indoor Recreation.

e. ~~e.~~Veterinary treatment facility.

f. ~~f.~~Dwelling units associated with special permit uses~~g~~.

g. Parks, playgrounds and other similar recreational facilities which are privately operated but not for profit.

4. ~~4.~~Prohibited uses are as follows:

a. ~~a.~~Outdoor sales, display or operation for a period of greater than 7 days more than 4 times annually.

5. ~~5.All unlisted uses are considered prohibited~~ Any uses not expressly stated as permitted by right, permitted subject to site plan review, or permitted upon the issuance of a special permit are not permitted in this zoning district ~~(see §100-11 Special permit uses).6~~.

6. Supplemental regulations shall apply as follows:

a. ~~a.~~Height, yard and corner lot exceptions~~.b~~.

b. Compliance with Highway and Conservation Overlay Districts.

c. ~~c.~~Off-street parking and loading.

d. ~~d.~~Signs~~.~~.

e. ~~e.~~Screening and landscaping~~.f~~.

f. Accessory uses and structures.

§ 100-23 ~~§ 100-21~~ Dimensional ~~requirements~~Requirements.

A. ~~A.~~For ~~structures~~ Structures and ~~uses~~Uses:

1. ~~1.~~Lots shall meet the following requirements:

~~Area, minimum (square feet)~~	~~20,000~~
~~Width, minimum (feet)~~	~~100~~
~~Lot Coverage (maximum %)~~	~~60%~~
~~2.~~Area, minimum (square feet)	20,000
Width, minimum (feet)	100
Lot Coverage (maximum %)	60%

2. Principal structure and accessory structures shall meet the following requirements:

Regulation	
Front yard setback	75
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)	
Side yard setback	
(1) One side:	20 feet
(2) Total of Both Sides	45 feet
Rear yard setback	
Principal structure (feet)	40
Accessory Structure (feet)	20
Maximum Height (feet)	40

ARTICLE X

INDUSTRIAL DISTRICT

~~**ARTICLE IX**~~

§ 100-24 Industrial ~~Zoning~~ District (I).

~~**§ 100-22 Industrial district (I).**~~

A. ~~A.~~Purpose and ~~intent~~Intent.

This district is intended for commercial and manufacturing uses that require good highway access and large site areas for buildings, structures outdoor storage, display or operation. This district will be served with existing water and sewer infrastructure. This district is also intended for uses that focus on the movement, storage or processing of raw materials or semi-finished goods to major transportation routes. Retail or non-retail uses that are not reliant upon close proximity to residential areas and which are not generally compatible to residential

uses are encouraged in this district. Good access to major transportation routes and separation from and buffering to residential is to be encouraged.

1. ~~1.~~Uses permitted upon site plan review (See Article ~~XVI~~XVII) are as follows:

a. ~~a.~~Retail or personal service accessory to a wholesale or industrial establishment.

b. ~~b.~~Wholesale warehouse establishment.

c. ~~c.~~Trucking and transportation terminals~~2~~.

2. Uses permitted upon issuance of a special permit (See § 100-66 (C))

a. ~~a.~~All uses with the exception of those listed in Subsection 3 below~~.~~.

b. ~~b.~~Adult Entertainment as set forth in §100-22 A (2)(c), (d) and (e) below located more than 1000.0 linear feet from a school, ~~church~~Place of Worship, residence, day care center, park/playground, library, public building or municipal facility (including Emergency Services).

c. ~~c.~~No more than one Adult Entertainment use shall be allowed or permitted on any one lot~~.~~.

d. ~~d.~~No Adult Entertainment use shall be allowed or permitted on a lot that is closer than one thousand feet (1000.0') from; a) any other zoning district; b) any ~~church~~Place of Worship, ~~regular place of worship,~~ community center, funeral home, library, educational facility, nursery school, day care center, hospital, public park, playground, recreational area or field; c) any public or municipal buildings; d) any hotels or motels.

e. ~~e.~~All distances set forth herein shall be measure from lot line to lot line containing the proposed Adult Entertainment use and any use listed in §100-22 A (2) (d).

3. ~~3.~~Prohibited uses are as follows:

a. ~~a.~~Residential uses except for on-site residency of security or security personnel.

b. ~~b.~~The operation of stockyards, slaughterhouses and rendering plants~~.~~.

c. ~~c.~~The production from raw material of chemicals, cement, paint products, rubber, soaps, starch and the by-products of coal, coke, petroleum and natural gas~~.d~~.

d. The reduction, refining, smelting and alloying of metal or metal ores; the distillation of wood or bones; or the reduction and processing of wood pulp and fiber.

e. ~~e.~~The storage of radioactive material.

4. ~~4.All unlisted uses are considered prohibited~~ Any uses not expressly stated as permitted by right, permitted subject to site plan review, or permitted upon the issuance of a special permit are not permitted in this zoning district

~~.(see §100-11 Special permit uses).~~

~~5~~.

5. Supplemental regulations shall apply as follows:

a. ~~a.~~Height, yard and corner lot exceptions~~.b~~.

b. Compliance with Highway and Conservation Overlay Districts.

c. ~~c.~~Off-street parking and loading.

d. ~~d.~~Signs~~.~~.

e. ~~e.~~Screening and landscaping~~.f~~.

f. Accessory uses and structures.

§ 100-25 ~~§ 100.23~~ Dimensional ~~requirements~~Requirements.

~~A. For structures and uses:~~
A. For Structures and Uses.

1. ~~1.~~Lots shall meet the following requirements:

Area, minimum (square feet)	40,000
Width, minimum (feet)	100
Lot Coverage (maximum %)	60%

2. ~~2.~~Principal structure and accessory structures shall meet the following requirements:

Regulation

Front yard setback 150
*(Measured from the road ROW line unless the highway overlay applies; see § 100.25.)

Side yard setback

(1)	One side:	30 feet
(2)	Total of Both sides	50 feet

Rear yard setback

Principal structure (feet)	50
Accessory Structure (feet)	25
Maximum Height (feet)	45

§ 100-26 ~~§ 100-24~~ Performance ~~standards.~~Standards.

A. ~~A.~~Fire and ~~explosion hazards:~~ Explosion Hazards. There shall be no activities or storage involving inflammable and explosive materials without adequate safety devices against the hazard of fire and explosion and adequate ~~fire-fighting~~ firefighting and fire suppression equipment and devices. There shall be no burning of waste materials. There shall be no storage of crude oil or any of its volatile products or other highly flammable liquids in above ground storage except in accordance with all New York State regulations. All such tanks having a capacity of 10,000 gallons or more shall be properly diked with dikes having a capacity equal to one and one-half (1½) times the capacity of the tanks or tanks surrounded.

B. ~~B.~~Radioactivity~~:~~ . There shall be no activities which emit dangerous radioactive emissions that would adversely affect the health, welfare, or safety of individuals and impact the operation of any equipment.

C. ~~C.~~Water and ~~air pollution:~~ Air Pollution. There shall be no emission into the atmosphere of fly ash, dust, fumes, vapors gases and other forms of air pollution which can cause damage to life or property or discharge into any sewage-disposal system, or stream, or into the ground of any materials of such a nature or temperature as can contaminate any watercourse, or supply, or can cause any dangerous or unhealthy condition except upon approval of applicable state and or local agencies having jurisdiction to regulate such air or water pollution.

D. ~~D.~~Heat, ~~cold movement of air or dampness:~~ Cold Movement of Air or Dampness. There shall be no activities that produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.

ARTICLE XI

HIGHWAY OVERLAY DISTRICT

~~**ARTICLE X**~~

§ 100-27 Major Highway Overlay ~~District~~Controls (H-O).

~~**§100-25 Major highway overlay controls (H-O).**~~

A. ~~A.~~Purpose and ~~intent~~Intent.

The purpose of this section is to accommodate and promote a pattern of land development that maintains the functional capacity of the highway system and maximizes highway safety and efficiency to accommodate the future land use needs of the community. The intent is to direct land use adjacent to major highways in the town according to the volume and speed of traffic that is appropriate to the adjoining land use. This section intends to balance the use and design of abutting properties with highway function to protect both from the adverse effects of each other.

B. ~~B.~~Applicability~~.~~.

1. ~~1.~~These regulations shall apply to all lots abutting the highways listed below~~.~~.

2. ~~2.~~These regulations shall be in addition to the lot, yard, and setback requirements of the underlying zone district regulations~~.3~~.

3. In the event that these additional requirements conflict with other sections of this chapter, then the greater of the more restrictive requirements shall apply.

4. ~~4.~~Setback from streets designated as Arterials or Collectors shall be measured from the centerline of the road right of way.

C. ~~C.~~Exceptions~~.~~.

1. ~~1.~~New lots may be established for one~~-~~ and two~~-~~family dwellings with less lot width than required by this section if the proposed lot or lots provide vehicular access from a driveway, local street, or non-designated collector, so long as no access is provided to the designated collector or arterial.

2. ~~2.~~This section shall not apply to any lot within the Hamlet of Aurelius Center since those areas in specific zoning districts are characterized by older development patterns which provide compliance with these patterns.

3. ~~3.~~In the event that a future Planned Unit Development (e.g.~~-~~, PUD, PDD or PDET) is formed within the Town, streets designated as a collector or arterial in this section shall supersede the setback requirements specific to the district in order to preserve the functional hierarchy of the pre-existing highway systems.

D. ~~D.~~Arterial ~~highways.1~~Highways.

1. The following highways are hereby designated as arterials:

a. ~~a.~~New York State Route 5 and 20 (Clark Street Road).

b. ~~b.~~New York State Route 326~~e~~.

c. New York State Route 90

2. ~~2.~~Principal and accessory structures; dimensional requirements:

a. ~~a.~~Minimum setback shall be 120.0 feet from the centerline of the highway right-of-way (or 120.0 feet from the center of the lane width along the portion of the highway between Clark Street Road and the City line, see subsection b. below).

b. ~~b.~~For a divided arterial highway containing a painted or landscaped median, the minimum setback shall be measured from the center of the traffic bound lane(s) (east bound or west bound) nearest to the front property line.

c. ~~c.~~Minimum lot width shall be 200.0 feet for common lots and 250.0 feet for corner lots measured at the lot line.

d. ~~d.~~Driveway access shall not be located within 200.0 feet of the centerlines of intersecting roads.

e. ~~e.~~Minimum depth of a lot shall increase proportional to lot width~~.f~~.

f. Marginal Access, cross access and reverse access drives will be encouraged for industrial, institutional, commercial, retail and multifamily residential development along arterial highways.

E. ~~E.~~Collector ~~roads.1~~Roads.

1. The following highways are hereby designated as collectors:

a. ~~a.~~Genesee Street Road.

b. ~~b.~~Turnpike Road.

c. ~~c.~~Half Acre Road~~2~~.

2. Principal and accessory structures; dimensional requirements:

a. ~~a.~~Minimum setback shall be 90 feet from the centerline of the highway right-of-way~~.b~~.

b. Minimum lot width shall be 150 feet for common lots and 200 feet for corner lots measured from the centerline of the street.

c. ~~c.~~Driveway access shall not be located within 150.0' of the centerlines of intersecting roads.

d. ~~d.~~Minimum depth of a lot shall increase proportional to lot width.~~e.~~

e. Marginal Access, cross access and reverse access drives shall be encouraged for Industrial, Commercial and multifamily residential development along collector roads.

~~ARTICLE XI~~
ARTICLE XII

CONSERVATION OVERLAY DISTRICT

§ 100-28 Land Conservation Overlay District

~~§ 100-26. Land conservation overlay district (C-O).~~

~~A~~(C-O).

A. Purpose. The purpose of this overlay district is to delineate areas of the town which are characterized by important natural features, including but not limited to floodplains, wetlands, stream corridors and unique aesthetic areas.

B. ~~B.~~General ~~purpose~~Purpose. The Land Conservation District is an overlay. The uses in the underlying districts are permitted subject to Planning Board review. The review process for this district has two parts. The first step is a determination of the presence and importance of natural features on the proposed development site. If no important natural features are present [(i.e., the site is outside the one-hundred-year floodplain (or does not impact an important natural feature))], detailed review by the Planning Board is not required. If a project falls within a conservation overlay and a sensitive natural condition exists, further review is required.

C. ~~C.~~Determination of ~~presence and significance.1~~Presence and Significance.

1. For proposed actions in the Land Conservation Overlay District, additional review and submission requirements may be deemed necessary by the Planning Board. Upon referral of a proposed action in the Land Conservation Overlay District, the Planning Board shall first make a determination of the presence and importance of natural features on the development site. To make this determination, the Planning Board may refer to the Comprehensive Plan, Land Development Plan, HUD, FIA, Flood Insurance Maps, DEC wetland maps, Corps of Engineers' data on flood elevations, cross sections, etc. The Planning Board may consult with other review and permit granting agencies and professionals to make this determination.

2. ~~2.~~The natural features to be considered under this section shall include, but not be limited to, flood plains, wetlands, stream corridors, ravines, rock outcroppings, overlooks unique settings and areas immediately adjacent to such features.

a. ~~a.~~Proposed actions which are determined to be in an identified floodplain shall be subject to the provisions of Subsection D of this section~~.~~.

b. ~~b.~~Proposed actions which are determined to be in or adjacent to other important natural features may be required by the Planning Board to comply with § Article ~~XVI~~ XVII of this code~~.c~~.

c. Proposed actions which are determined to be in or adjacent to a wetland area should be referred to the regional office of the Department of Environmental

Conservation. The Planning Board should discourage major filing and construction proposals in and adjacent to wetlands.

D. ~~D.~~Procedures for ~~actions in floodplain areas~~Actions in Floodplain Areas. All activities undertaken in areas designated as a flood hazard area by the Federal Flood Insurance Program on maps prepared by the Federal Emergency management Agency, including any future revisions to said maps shall comply with applicable regulations adopted by the Town of Aurelius as a separate Flood Prevention Law.

ARTICLE XIII

PLANNED DEVELOPMENT PROCEDURES

~~**ARTICLE XII**~~

§ 100-29 Planned Development ~~Procedures§ 100-27 Planned development districts~~ Districts (PUD, PDD, PDET's).

The following are the types of Planned Units Development Districts allowed in the Town of Aurelius:

A. ~~A.~~PUD: Planned Unit Development (primarily residential development).

B. ~~B.~~PDD: Planned Development District (primarily commercial development).

C. ~~C.~~PDET's: Planned Development Entertainment and Tourism District (primarily commercial development).

§ 100-30 ~~§ 100-28~~ Special ~~procedures~~ Procedures for PUD, PDD, and PDET's ~~districts.A~~Districts.

A. Legislative Intent. Planned Unit Development (PUD, PDD, PDET's); hereafter, generally referred to as PUD, in the Town of Aurelius is determined to be beneficial to the community by concentrating development in a given area thus conserving the open space and rural character of the community. PUD provides for a more coordinated and unified approach to development within the community in lieu of segmented utilization of land that occurs on a "lot-by-lot" basis. PUD reduces the amount of infrastructure required for land development and the cost of infrastructure maintenance necessary to serve the community. PUD provides flexibility and encourages a variety of land uses and innovative design techniques that otherwise would be restricted by standard use and area regulations contained within the Town of Aurelius Zoning Law. Planned Unit Development shall be encouraged within an overlay zone that are currently indicated or would be added in the future on the official Town of Aurelius Zoning Map, adopted [insert date of map adoption in italics].

B. ~~B.~~Legislative Purpose. The Town of Aurelius, Cayuga County, New York hereby finds and determines that:

1. ~~1.~~When coordinated with the comprehensive plan, Planned Unit Development can be an effective tool for guiding development in ways that support community goals and priorities outlined in the Town of Aurelius Community Comprehensive Plan~~.2~~.

2. Planned Unit Development provides a means by which different land uses within an area covered by a single development plan may be combined to achieve optimum compatibility among land uses. Unattainable with traditional municipal zoning techniques, Planned Unit Development provides flexibility in the regulation of land use development in order to:

a. ~~a.~~Encourage innovation in land use variety and design, in the layout and type of new structures and in their integration with existing structures;

b. ~~b.~~Enhance efficiency in the use of land, natural resources, energy, community services and utilities;

c. ~~c.~~Encourage open space preservation and protection of natural resources, historic sites and structures;

d. ~~d.~~Facilitate the provision of housing and improved residential environments;

e. ~~e.~~Enhance the Town's ability to promote business and employment opportunities;

f. ~~f.~~Preserve the hierarchy, safety and efficiency of the State, County and Town transportation system within the Town of Aurelius;

g. ~~g.~~Provide for logical and orderly extensions of water, sewer and utility infrastructure; and

h. ~~h.~~Provide for a unified and logical pattern of development to land areas determined to be appropriate for growth as outlined in the Town of Aurelius Community Comprehensive Plan.

C. ~~C.~~Special Definitions. As used herein:

1. ~~1.~~"Authorized board or body," means the Town Board or Town Planning Board designated by the legislative body to review and act on final Planned Unit Development plans~~.~~.

2. ~~2.~~"Planned Unit Development" (PUD) means a site upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the municipal comprehensive plan (see definitions)~~.3~~.

3. "Planned Unit Development district" means an independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land

use, but where the use of land shall be in accordance with a preliminary Planned Unit Development plan General Project Plan (GPP) approved by the legislative body.

4. ~~4.~~"Preliminary Planned Unit Development plan" or "General Project Plan," (e.g.~~.~~ , GPP) means a proposal for a Planned Unit Development prepared in a manner prescribed by local regulation showing the layout of the proposed project. The plan will establish the type, location and density of proposed development within the PUD and will set forth design guidelines for both publicly and private portions of the PUD. The GPP will establish guidelines for the project including, but not limited to, maps, plans, or drawings relating to proposed land uses, approximate location and dimensions of buildings, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as is required by local regulation; architectural features, lot sizes, setbacks, height limits, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities, adjacent land uses and physical features, and such other elements as may be required by local regulation.

5. ~~5.~~"Preliminary Planned Unit Development plan approval" means the approval with conditions, if any, of the layout of a proposed Planned Unit Development as a whole cohesive project as set forth in a preliminary plan and the simultaneous amendment of the local zoning law or ordinance by the legislative body to create and map a Planned Unit Development district within a predetermined land area designated by the Town of Aurelius Community Comprehensive Plan encompassing the preliminary plan; subject to the approval of the plan in final form pursuant to the provisions of this local law.

6. ~~6.~~"Final Planned Unit Development plan" means an approved preliminary Planned Unit Development plan prepared at such additional detail and showing information as is required by local regulation, and the modifications, if any, required by the legislative body at the time of approval of the preliminary Planned Unit Development plan, if such preliminary plan has been so approved. Final Planned Unit Development plans will be required to follow the policy and procedures of Site Plan Review as described in Article ~~XVI~~ XVII of the Town of Aurelius Zoning Law and shall be determined to be final by the Town of Aurelius Planning Board only after the issuance of a change in zoning designation and approved by the Town Board and authorized by the signature of the Town Supervisor~~7~~.

7. "Final Planned Unit Development plan approval" means the signing of a final plan by a duly authorized officer of the authorized board or body pursuant to a resolution granting final approval to the plan or after conditions, if any, specified in said resolution granting conditional approval of the plan are completed. Such final approval qualifies the plan for filing in the office of the clerk as provided herein. Final approval shall be recommended by the Town Planning Board, to the Town Board after a favorable recommendation by the Town of Aurelius Zoning Board of Appeals. Approval of a zone change to PUD shall be authorized by the Town Board.

D. ~~D.~~Authority. In addition to any other powers and authority to plan and regulate by zoning, the Town of Aurelius hereby enacts requirements for the review of Planned Unit Development plans and the establishment and simultaneous mapping of Planned Unit Development districts pursuant to the provisions of this local law~~.E~~.

E. Elements of Approval. The Town Board shall forward the request for a zone change to PUD to the Planning Board who shall review a Preliminary Plan and/or General Project Plan (GPP) and make a recommendation to the Town Board to approve or deny the pending application for zone change. Request for a zone change to PUD for a land area greater than 15 acres will require the submission of a GPP that identifies and addresses all of the issues relevant to SEQRA. Approval of a change in zoning designation is to PUD based upon the general information listed below and shall be granted by the Town Board, based upon a favorable recommendation by the Town of Aurelius Planning Board in consultation with the Town of Aurelius Zoning Board of Appeals.

The Town Board in an effort to pre-determine the environmental impacts of the development prior to the issuance of a rezone to PUD shall express preference for these documents as a Generic Environmental Impact Statement (GEIS). However, submission of a GEIS is optional. If an applicant chooses not to prepare a GEIS, each phase of project development will require a full environmental evaluation of all phases (full build out) of the site plan during site plan review as required by Article ~~XVI~~XVII.

The following information shall be required to evaluate the granting of a zone change to the PUD designation:

1. ~~1.~~The applicant shall describe the creation of the Planned Unit Development district, including the types of land uses, structures and development density proposed, as well as provisions, if any, relating to cluster development, incentives, bonuses, open space, design guidelines, historic structures and areas~~;~~.

2. ~~2.~~The minimum acreage necessary for the establishment of a Planned Unit Development district shall be requested by the developer and must be based upon a preliminary development plan or general project plan. In no instance shall a Planned Unit Development be bisected by a State Highway, County Highway or local collector road or include a land area of less than fifteen (15) contiguous acres unless the land area is contiguous to an existing Planned Unit Development~~.3~~.

3. All multi-year approvals of final Planned Unit Development plans in phases shall include a schedule for the completion of buildings, public and private facilities and site improvements for the full buildout of the development and shall clearly indicate the phasing of the entire development. All phases shall require an independent Site Plan Review procedure to ensure that compliance with the conditions of the zone change and overall site plan approval are met and that the Town Planning Board can review any adjustment to the approved plan. However, phases proposed in a General Project Plan developed as a Generic Environmental Impact Statement may not require a full environmental review at the discretion of the Town Planning Board and Zoning Commission if the proposed phases of construction comply with the preliminary site plan included in the adopted General Project Plan.

4. ~~4.~~Procedures for evaluating, adopting reviewing and approving the final Planned Unit Development plans, including any notice and hearing provisions for such amendments shall be identical to the Town of Aurelius Site Plan Review except that detailed

design of each phase may be reviewed during the standard site plan review process as set forth in Article ~~XVI.~~XVII.

5. ~~5.~~All site plan reviews shall be consistent with the "Preliminary Planned Unit Development plan" or "General Project Plan," (e.g.~~–~~, GPP) unless an amendment is proposed and approved by the Town of Aurelius through the same procedure as approving the originating rezone to PUD~~.~~.

6. ~~6.~~Include provisions whereby approval of a preliminary and/ or final GPP may lapse or be withdrawn upon failure of the applicant to proceed with the development or otherwise fail to meet conditions of approval~~;~~.

7. ~~7.~~Include a draft of all covenants, easements and rights of way relating to the site development and / or homeownership, homeowners associations (HOA) and any lands dedicated to public use within the PUD~~.~~.

8. ~~8.~~Upon approval of a zone change to Planned Unit Development (PUD) the Town of Aurelius Planning Board shall review the final plans and all phases relating to final approval according to all current Site Plan Review requirements of Article ~~XVI~~ XVII of the Town of Aurelius Zoning Law.

F. ~~F.~~Compliance with New York State Environmental Quality Review Act (SEQRA). In its review and approval of applications to create Planned Unit Development districts pursuant to this local law, the legislative body shall comply with the provisions of the New York SEQRA under article eight of the environmental conservation law and it's implementing regulations. It is the preference of the Town of Aurelius to issue a zone change to PUD after the developer submits a "Preliminary Planned Unit Development plan" or "General Project Plan" in the form of a Generic Environmental Impact Statement to ensure that the proposed project is compatible with the land area and infrastructure surrounding the general project location and to ensure that necessary on-site and off-site mitigating factors are evaluated prior to approving a change in allowable land use and density of development (i.e.~~–~~, prior to issuance of a zone change to PUD)~~.~~G.

G. Methods of Procedure. The Aurelius Town Board may approve all changes to Planned Unit Development zoning designation after the completion of a review and recommendation from the Town of Aurelius Planning Board and Zoning Board of Appeals. The Town of Aurelius will consider the following methods of procedure for the review and approval of Planned Unit Developments:

1. ~~1.~~Preapplication ~~conference~~Conference. Before submission of a preliminary application for approval of a Planned Development District, the developer is encouraged to meet with the Town Planning Board to determine the feasibility and suitability of the application before entering into any binding commitments or incurring substantial expenses of site and plan preparation~~;~~.

2. ~~2.~~Upon the receipt of an application and preliminary plan for the establishment of a Planned Unit Development district, the legislative body shall review the application and GPP in consultation with the Town Planning Board~~;~~.

3. ~~3.~~Within 90 days of receiving a completed application (including the preliminary plan, general project plan, Full Environmental Assessment Form and/or Generic Environmental Impact Statement), and prior to acting on a zoning amendment to create a Planned Unit Development district, the legislative body shall hold one or more public hearings on such proposed preliminary plan and amendment. Notice of the public hearing should be published in a newspaper of general circulation at least ten calendar days in advance of the hearing. The proposed zoning amendment and preliminary plan shall be made available for public review at least 20 days prior to said public hearing at the office of the clerk~~:~~.

4. ~~4.~~Planning Board ~~review~~Review. Within 45 days of the receipt of the completed application, including all information necessary to make a SEQRA Determination of Significance for the project as a whole, the Planning Board shall recommend approval, approval with modifications or disapproval of the application to the Town Board. Failure of the Planning Board to act within 45 days or such longer period as may be consented to shall be deemed to be a grant of approval of the plan as submitted. However, the 45-day time period does not commence until the Planning Board determines that the application is complete, including all information necessary to make a SEQRA Determination of Significance for the project as a whole. In the event that approval subject to modifications is granted, the applicant may, within 10 days after receiving a copy of the Planning Board's decision, notify the Town Board in writing of his refusal to accept all such modifications, in which case the Planning Board shall be deemed to have denied approval of the application. In the event that the applicant does not notify the Town Board within said prior of his refusal to accept all said modifications, approval of the application subject to such modifications shall stand as granted.

5. ~~5.~~At least 10 days before the public hearing on the application and proposed amendment to the zoning ordinance to create a Planned Unit Development district, the legislative body shall mail notices thereof to the applicant and to the county planning board or agency or regional planning council, as required by '~~-~~239m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of '~~-~~239m of the general municipal law~~.~~.

6. ~~6.~~Within 120 days of receiving the application and after holding public hearings, the legislative body shall act to approve, approve with modifications and/or conditions or deny the application, and if approved amend the local law or zoning ordinance to establish and map a Planned Unit Development district. Upon taking such action, the legislative body shall advise the applicant, the authorized board or body and the county planning board or agency, in writing of its determination within five business days after such action is taken~~,~~ and place a copy of such letter on file in the office of the clerk~~;~~.

7. ~~7.~~Upon issuance of a zone change to PUD, the developer will submit a site plan for his project to the Town Planning Board and will follow the identical standard procedure for Site Plan Review as outlined in section XVI of the Town of Aurelius Zoning Law~~.~~.

8. ~~8.~~A final GPP shall be submitted by the applicant to the authorized board or body for review and approval, or approval with modifications and/or conditions. Review of the final GPP by the authorized board or body shall take into consideration the preceding action of the legislative body on the preliminary GPP~~; and9~~.

9. The authorized board or body's determination on the final GPP shall be filed in the office of the clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

10. ~~10.~~Effective Date. This act shall take effect upon its filing in the office of the Secretary of State of the State of New York and the clerk is hereby directed to file such local law immediately.

~~**§ 100-29 Intentionally left blank**~~

~~**§ 100-30 Intentionally left blank**~~

~~**§ 100-31 Intentionally left blank**~~

~~**§ 100-32 Intentionally left blank**~~

§ 100-31 ~~§ 100-33~~ Noise ~~limitations within~~ Limitations Within PUD, PDD ~~districts~~Districts.

All activities and uses within a PUD shall be conducted subject to the following noise limitations.

A. ~~A.~~For the purpose of this noise control provisions, certain terms are defined as follows:

SOUND LEVEL – Expressed in decibels (dB), is a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard § 1.1, "Acoustic Terminology," Paragraph 2.9, or successor reference. All references to dB in this chapter utilize the A-level weighting scale, abbreviated "DBA," measured as set forth in this section.

PRECISION SOUND LEVEL METER – A device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard § 1.4, "Specifications for Sound Level Meters."

NOISE LEVELS – The maximum continuous sound level or repetitive peak level produced by a source or group of sources as measured with a precision sound level meter using the "A" weighting scale, and the meter response function set to "slow."

B. ~~B.~~None of the uses in the PUD, whether permitted or permitted under and administrative permit or temporary event permit, shall produce a noise level more than 90 dB more than 150 feet from the source of the noise. At no time shall a noise level of more than 35 dB be projected to the property boundary of a residential dwelling. The owner within a PUD shall measure and record noise level data and shall keep such recorded noise data available for at least one calendar year or submit such data to the ~~Zoning CEO/ZEO~~ CEO for storage. When requested by the ~~ZEO~~CEO, the owner shall provide access to the facility by the ~~ZEO~~ CEO for observation of noise level monitoring and for the conduct of independent noise level monitoring

by the ~~ZEO~~CEO. Noise level data shall be recorded and maintained only with respect to intentionally amplified sound such as music or ~~loud speaker~~ loudspeaker emanations and shall be measured within 150 feet of the source~~.C~~.

C. The following noise sources shall be exempt from this noise restriction:

1. ~~1.~~Safety devices. Aural warning devices that are required by law to protect the health, safety and welfare of the community.

2. ~~2.~~Emergencies. Emergencies are exempt from this provision, such as fire, police or ambulance sirens.

§ 100-32 ~~§ 100-34~~ General ~~provisions.~~Provisions.

A. ~~A.~~The planned development process consists of two basic steps: first, the change of zoning district designation based upon a General Project Plan for the proposed PUD as a whole; second, review of the specific site plans for the area as set forth in Article ~~XVI~~ XVII (Site Plan Review)~~.B~~.

B. Any change to a Planned Development (PUD) District shall be based on a specific development proposal. Although the designation for all planned development will be PUD, PDD or PDET, each district will reflect the type of use which was the basis for the zone change (i.e., PUD, PDD, PDET).

§ 100-33 ~~§ 100-35~~ Application ~~fee and submission requirements.~~Fee and Submission Requirements.

A. ~~A.~~Application ~~fee~~Fee. Application for the establishment of one of the Planned Development Districts shall be made to the Town Board. Each application shall be accompanied by a fee of $150.00. The Town Board shall refer the application and all application materials to the Town Planning Board within 15 days of the application.

B. ~~B.~~Submission ~~requirements~~Requirements. Application to the Town Board must include a petition for the zone change. The applicant must provide proof of full legal and beneficial ownership of property or proof of an option or contractual right to purchase the property. The preliminary plan shall include, but not be limited to, the following:

1. ~~1.~~A completed short environmental assessment form (EAF) to comply with the provisions of the state environmental quality review process (SEQRA)~~.2~~.

2. A mapped preliminary development plan or General Project Plan (GPP) as set forth in 100-28(C),(D),(E) and (F) of the property in question. Such a plan shall establish the maximum allowable density and land use designations within the PUD. The GPP will include all existing structures, roads and other improvements and shall indicate the circulation concept, general site location of all proposed structures, general parking scheme, the approximate acreage in each type of use and the amount, proposed use and location of all open space and recreation areas. This plan shall also indicate the location of all utilities and proposed expansions and/or

any alternative concepts for dealing with water supply, sewage disposal, stormwater drainage and electric service.

3. ~~3.~~The applicant must demonstrate that alternative design concepts have been explored~~.4~~.

4. A written description of the proposal, including the major planning assumptions and objectives, the probable effect on adjoining properties and the effect on the overall Town Comprehensive Plan.

5. ~~5.~~A written description of the probably impacts on the natural systems of the town~~.6~~.

6. A written description of the probably fiscal impacts, including a summary of new costs and revenues to the town due to the development.

C. ~~C.~~Review ~~criteria~~Criteria. In considering the application for the creation of a Planned Unit Development, the Planning Board may require such changes in the preliminary plans and specify such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the community. In reaching its decision on the proposed development and changes, if any, in the preliminary plans, the Planning Board shall consider, among other things, the following:

1. ~~1.~~The need for the proposed land use in the proposed location.

2. ~~2.~~The existing character of the neighborhood~~.3~~.

3. The location of principal and accessory buildings on the site in relation to one another and in relation to buildings and uses on properties adjoining the proposed district.

4. ~~4.~~The general circulation and open space pattern relative to the structures~~.5~~.

5. The traffic circulation features within the site and the amount, location and access to automobile parking areas.

6. ~~6.~~The environmental factors on the Environmental Assessment Form (EAF).

D. ~~D.~~Planning Board ~~action~~Action. Establishment of a Planned Unit Development District (PUD) is a rezoning action and may be subject to the state environmental quality review process (SEQRA). Therefore, the Planning Board should make a two-part recommendation to the Town Board as part of this process~~.1~~.

1. First, the Planning Board should identify the type of action the zone change is according to SEQRA regulations. Depending on the size of the zone change and several other factors, it may be a Type I or an unlisted action. To make a decision, the Planning

Board should consult Part 617 of Title 6 of the New York Codes, Rules and Regulations. The Planning Board should advise the Town Board of this determination and any responsibilities of the Town Board.

a. ~~a.~~If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been completed. When the draft environmental impact statement is completed, the time frame for Planning Board review begins [forty-five (45) days]~~.~~.

b. ~~b.~~If another agency has determined that the proposal in question may have a significant effect on the environment, the Planning Board shall not issue a decision until a final environmental impact statement has been filed and input from the questioning agency is received, reviewed and evaluated by the Planning Board and all information necessary to make a SEQRA Determination of Significance is received by the Planning Board~~.2~~.

2. The second part of the recommendation is a decision on the zone change itself based on the review criteria per Subsection C of this section. The decision of the Planning Board shall be in the form of a written resolution which shall include findings of fact and shall set forth the reasons for granting or denying tentative approval, specifying with particularity in what respects the proposal contained in the application would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

a. ~~a.~~In what respects the plan is or is not consistent with the statement of purpose set forth in § 100-28(B)~~.~~.

b. ~~b.~~The extent to which the proposal departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest~~.c~~.

c. The nature and extent of the common open space in the Planned Unit Development District, the reliability of the proposals for maintenance and conversion of such open space and the adequacy or inadequacy of the amount and function of the open space in terms of the densities of residential uses and the types thereof where residential uses are proposed.

d. ~~d.~~The plat of the proposal and the manner in which such plat does or does not make adequate provision for public services, control over vehicular traffic and the amenities of light and air and visual amenities.

e. ~~e.~~The relationship, beneficial or adverse, of the proposed Planned Unit Development District upon the neighborhood and surrounding environs and surrounding environs in which it is proposed~~.f~~.

f. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect the interests of the public and the residents of the district in the integrity of the plan.

E. ~~E.~~The resolution required by Subsection D(2) of this section shall be filed with the Town Clerk and shall be available during regular office hours for inspection by any interested person.

F. ~~F.~~Upon the filing of such resolution with the Town Clerk, the Town Board shall within thirty (30) days hold a public hearing on said proposal after giving the public notice required by law~~.~~.

G. ~~G.~~The Town Board may thereafter amend this chapter so as to establish the proposed Planned Development District and define the boundaries thereof. Such action shall have the effect only of establishing a Planned Development District for the use proposed by the applicant. Such amendment of this chapter shall not constitute or imply a permit for construction or final approval of plans~~.~~.

H. ~~H.~~In the event that construction has not commenced within two (2) years from the date that the Zoning Map amendment establishing the Planned Development District became effective, the Planning Board may so notify the Town Board and the Town Board may, on its own motion, institute a Zoning Map amendment to return the Planned Development District to its former classification pursuant to Article ~~XIIX~~ XX of this chapter.

§ 100-34 ~~§ 100-36~~ Detailed ~~plan review~~Plan Review.~~–~~ Refer to Article ~~XVI~~XVII.

The procedures for site plan review within an approved (PUD) shall comply with Article ~~XVI~~ XVII of this chapter except that General Project Plans developed as a Generic Environmental Impact Statement may not require further Environment Review under SEQRA at the discretion of the Town Planning Board. Completion of § 100-35 to change a zone to a PUD District does not imply approval to proceed with actual development of the area and is intended to establish a sound and reasoned rational for considering the zone change to PUD. Upon approval of the rezoning request, the applicant is required to follow the procedure explained in Article ~~XVI~~ XVII of this chapter for each stage or phase of the project.

ARTICLE XIV

BULK REGULATIONS

~~ARTICLE XIII~~
~~Bulk Regulations~~

§ 100-35 ~~§ 100-37~~ Applicable ~~regulations~~Regulations.

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are as specified in Article IV through Article ~~IX~~X. All permitted uses are subject to the regulations appearing in Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article X, ~~and~~ Article XI, and Article XII, and additional regulations as follows.

§ 100-36 ~~§ 100-38~~ Nonconforming ~~lots.A~~Lots.

A. Any lot with an area or a width less than that required in the district in which said lot is located may be used for any purpose permitted in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of the adoption of this chapter and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimensional requirements.

B. ~~B.~~In the event that compliance with the yard and coverage requirements of the district would result in a residential structure of a width less than twenty-four (24) feet, the Board of Appeals shall determine and fix yard and coverage requirements for said lot to permit its reasonable utilization for a permitted use~~.C~~.

C. In no case shall a lot be approved in any zoning district that does not comply with the requirements of the Cayuga County Health Department. Cayuga County Health Department requirements, particularly with respect to lots not served by public sewer utilities shall supersede the dimensional requirements of any zoning district allowing development lots of less than one acre (40,000 square feet) within the Town of Aurelius.

§ 100-37 ~~§ 100-39~~ Encroachments and ~~minimum lot area~~Minimum Lot Area.

The minimum yards and open spaces, including lot area per family, required by this chapter for any building existing at the time of adoption of this chapter or for any building hereafter erected or structurally altered shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirement of this chapter.

§ 100-38 ~~§ 100-40~~ Corner ~~lots~~Lots.

On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on such streets and shall be 150% larger in land area than a standard lot, as set forth in The Town of Aurelius Subdivision Regulations. Corner lots within a Highway Overlay District shall have equal front yard setback as those required for the Overlay District. One (1) rear yard shall be provided on each corner lot, and the owner shall designate the rear yard on his application for a zoning permit. The Board of Appeals shall determine the yards and building width of a corner lot of record at the time of the passage of this chapter if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.

§ 100-39 ~~§ 100-41~~ Transition ~~yard requirements.A~~Yard Requirements.

A. Where two (2) districts abut on the same street between two (2) intersecting streets and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of fifty (50) feet from the district boundary line in the less restricted district a front yard equal in depth to the average required depth in the two (2) districts.

B. ~~B.~~Where the side or rear yard of a lot abuts a side or rear yard of a lot in a more restricted district, there shall be provided along such abutting line or lines a side or rear yard equal in depth to that required in the more restrictive district.

§ 100-40 ~~§ 100-42~~ Exception to ~~transition yard requirements.A~~Transition Yard Requirements.

A. Where two (2) districts abut on the same street between two (2) intersecting streets and the front yard requirements of one district are less than those of the other district, and one or both districts are within the H-O Highway Overlay District, the highway overlay controls will take precedent over either district.

§ 100-41 ~~§ 100-43~~ Projecting ~~architectural and landscape features.A~~Architectural and Landscape Features.

A. The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than thirty (30) inches into any required yard.

B. ~~B.~~A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets or other form of enclosure exceeding six (6) feet in height.

C. ~~C.~~In determining the percentage of building coverage or the size of yards for the purpose of this chapter, enclosed porches or porches open at the side but roofed shall be considered a part of the building.

D. ~~D.~~An open fire escape may extend into any required yard not more than six (6) feet, provided that such fire escape shall not be closer than four (4) feet at any point to any lot line.

E. ~~E.~~Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six (6) feet~~.F~~.

F. In any district, no fence, hedge, or wall shall exceed four feet in height in any front yard, or six feet in height in any side or rear yard, and provided further that such fence, hedge, or wall shall be no closer to any lot line than three feet. The decorative or finished side of any fence shall face outward from the lot.

G. ~~G.~~No wall, fence, landscape structure, grading, or drainage activity shall cause a diversion of drainage to adjoining public or private property.

§ 100-42 ~~§ 100-44~~ Exceptions to ~~height limitations~~Height Limitations.

The height limitations of this chapter shall not apply to farm structures, silos, belfries, ~~church~~ Place of Worship spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimney's, ventilators, skylights, water tanks and necessary mechanical

appurtenances usually carried above the root level; nor to flagpoles, monuments, transmission towers and cables, radio and television antennas or towers and similar structures. Such features however shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations.

§ 100-43 ~~§ 100-45~~ Accessory ~~buildings~~Buildings, ~~structures and outdoor appliances.~~Structures and Outdoor Appliances.

A. ~~A.~~No accessory structure shall be permitted without the presence of an approved principal structure.~~B~~.

B. Farm structures shall be exempt from the provisions of this section except for front yard setback in the A and AR zoning district.

C. ~~C.~~Number. There shall not be more than two (2) accessory buildings on each parcel intended or used for residential purposes~~.~~.

D. ~~D.~~Height. For R Residence Districts, maximum height of accessory buildings shall not exceed the height of the principal structure.~~E~~.

E. Attached accessory buildings in R residence districts. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building.

F. ~~F.~~Outdoor Wood-Fired Boilers (OWB's) are prohibited outside of the Town's Agricultural (A) zoning district.~~G~~.

G. Accessory buildings in Commercial and Manufacturing District. Non-dwelling accessory buildings shall comply with front and side yard requirements for the principal building to which they are accessory and shall be not closer to any rear property line than ten (10) feet (see district requirements for more detail).

H. ~~H.~~No outdoor appliance shall be located within 500' of a neighboring residence or be located in a manner that impacts the air or water quality of adjoining property.

~~ARTICLE XIV~~
ARTICLE XV

OFF-STREET PARKING AND LOADING

§ 100-44 Off-Street Parking

~~and Loading§ 100-46. Off-street parking.~~

~~A.~~

A. Off-street parking space shall be required for all buildings constructed or new uses established after the effective date hereof. Each off-street space shall consist of at least one hundred eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements are specified in § 100-46 in Schedule A.

B. ~~B.~~For uses not specified, the Board of Appeals shall, on appeal and after recommendation of the Planning Board, establish parking requirements in specific cases consistent with those recommended by the Town Engineer.

1. ~~1.~~For any building having more than one (1) use, parking space shall be required as provided for each use~~.2~~.

2. Floor areas, for the purpose of computing parking requirements, shall be the sum of the horizontal area of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.

~~§ 100-46~~ Off-Street Parking
- Schedule A -

Use	**Spaces Required**
Dwelling	1 for each dwelling unit
Senior Housing	1 for each unit plus 1 for each 1000 square feet of floor area
Rooming house, tourist home, motel or hotel	1 for each guest room
Administrative, professional, eleemosynary (e.g.~~,~~ relating to charity), governmental or utility office	1 for each 400 square feet of floor area.
Funeral home	10 for each reposing room
~~Church or temple~~Place of Worship	1 for each 5 seating spaces in main assembly room
School	2 for each elementary classroom
	5 for each secondary classroom
Theater or other places of assembly	1 for each 5 seating spaces
Nursing or convalescent home	1 for each 4 beds
Retail store or bank	1 for each 400 square feet of floor areas

~~§ 100-46~~ **Off-Street Parking**

- Schedule A -

Use	**Spaces Required**
Clubs and restaurants	1 for each 50 square feet of floor area
Bowling alley	5 for each alley
Wholesale, storage, freight terminal or utility use	1 for each 1,000 square feet of floor area
Industrial or manufacturing use	1 for each 2 employees on the maximum working shift

§ 100-45 Off-Street Loading.

~~§ 100-47 Off-street loading.~~

A. ~~A.~~At least one (1) off-street loading facility shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of five thousand (5,000) square feet, computed as described in § 100-46. Space for off-street loading shall be in addition to space for off-street parking and should be located in a manner that does not encroach upon pedestrian circulation, traffic, circulation drives for standard parking or standard vehicle parking (i.e.~~,~~ automobile parking for employees, visitors or general use).

B. ~~B.~~Each facility shall be subject to the following minimum requirements:

1. ~~1.~~Each berth shall not be less than twelve (12) feet wide, thirty-three (33) feet long and fourteen (14) foot in height if covered.~~2.~~

2. Space for such berth may occupy any part of any required side or rear yard, except that no such berth shall be located closer than one hundred (100) feet to any lot in any resistance district unless wholly within a completely enclosed building.

~~ARTICLE XV~~
ARTICLE XVI

NONCONFORMING USES AND STRUCTURES

~~Nonconforming Uses and Structures~~

§ 100-46 ~~§ 100-48~~ Continuation.

Except as provided in § ~~100-49~~ 100-47 and ~~100-50~~ 100-48 of this Article, any use of land or a building or structure or part thereof legally existing at the time that this chapter or part thereof legally existing at the time that this chapter or any amendment hereto becomes effective may be continued, subject to the provisions of § 100-49, 100-50, and 100-51~~, 100-52, and 100-53~~ of this Article, although such building or structure or use does not conform to the provisions of the district in which it is situated. In no case shall non-conforming lots be created by the Town of Aurelius following the adoption date of this zoning law.

Commercial uses that pre-exist the adoption of this zoning law will be allowed to continue as commercial uses in perpetuity. However, existing commercial uses that plan to expand to adjoining parcels shall be subject to § ~~100-51~~100-49, ~~100-52~~ 100-50, and ~~100-53~~ 100-51 of this Article.

§ 100-47 ~~§ 100-49~~ Abandonment.

When a nonconforming use has been discontinued or abandoned for a period of one (1) year or longer, it shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of this chapter. All farms are exempt from the provisions of this section.

§ 100-48 ~~§ 100-50~~ Junkyards and ~~billboards~~Billboards.

Notwithstanding any other provision of this chapter, any automobile or other junkyard or any billboard or nonconforming sign or advertising device in existence in a residence district at the time of the adoption of this chapter or an amendment hereto shall be discontinued within one (1) year from the date of such adoption or amendment.

§ 100-49 ~~§ 100-51~~ Change in ~~use~~Use.

A nonconforming use may be changed to another nonconforming use of the same or lower classification (i.e., based upon zoning classifications that allow for more intensive land uses) according to the provisions of this chapter, and when so changed such use shall not thereafter be changed to a nonconforming use of a higher classification. The classifications of uses in ascending order are A, AR, R, RR, PUD/PDD/PDET, C and I.

§ 100-50 ~~§ 100-52~~ Maintenance of ~~use~~Use.

A nonconforming use is hereby required to be maintained in such condition as will not constitute a danger to the safety, health or general welfare of the public and as not to constitute a nuisance beyond that generally inherent in such a nonconforming use in the district in which it is situated. Proposed alterations and extensions of the nonconforming use shall be reviewed by the Zoning Board of Appeals to ensure that such alteration or extension shall not tend to increase the inherent nuisance and that such alteration or extension shall not violate any provisions of this chapter regarding yards, lot area or lot coverage for the district in which it is situated or to increase any existing violation of such provisions.

§ 100-51 ~~§ 100-53~~ Restoration.

Nothing herein shall prevent the substantial restoration within one (1) year and continued use of a nonconforming building or structure damaged by fire, flood, earthquake, act of God or act of the public enemy, provided that such restoration shall comply with the provisions of § 100~~.52~~ -50 of this Article. All farms are exempt from the provisions of this section.

ARTICLE XVII

SITE PLAN AND SPECIAL PERMIT REVIEW

~~ARTICLE XVI~~

§ 100-52 Site Plan Review – Commercial, Industrial, Institutional and Multi-Family Residential Uses.

~~§ 100-54 Site plan review – commercial, industrial, institutional and multi-family residential uses.~~

A. ~~A.~~Purpose and ~~intent~~Intent.

The Town of Aurelius, New York incorporates this Site Plan Review process as a tool for the Planning Board to review Commercial, Industrial, Institutional and Multi-family Residential uses in all zoning districts. For the purposes of this Section, Multi-family Residential shall mean a building containing three or more attached dwelling units. The intent of this Site Plan Review ordinance is to allow for the Town Planning Board to have power of discretion in reviewing Commercial, Industrial, Institutional and Multi-family Residential Site Plans pertaining to project design and landscaping requirements.

As an integral component of Site Plan Review, the Town Board of Aurelius has determined that poor quality of design, poor location of buildings and structures (including signs and accessory buildings) adversely affects the desirability of the immediate neighborhood and impairs the benefits, stability and value of improved and unimproved property in such areas.

Therefore, it is the intent of this article to grant the Planning Board with the review discretion necessary to avoid such conditions and to ensure that the location and design of buildings, structures and open spaces in the Town aid in creating a balanced and harmonious composition of the whole as well as the relationship of its parts. As such, all applications requiring Site Plan Review will be subject to a general Architectural Review and will be evaluated with respect to the context of, and compatibility with, their surrounding environs.

1. ~~1.~~Additional duties of the planning board for architectural review~~.~~.

a. ~~a.~~The Town of Aurelius Planning Board, appointed by the Town Board is duly authorized to perform General Architectural Reviews as an integral component of the Town's Site Plan Review Procedure under the provisions of this Section~~.~~.

b. ~~b.~~The Planning Board is charged with the duty of maintaining the desirable character of the Town and of disapproving the construction, reconstruction and alteration of buildings subject to Site Plan Review that are designed without consideration of the harmonious relation of the new or altered building to such buildings as already exist and the environs in which they are set~~.c~~.

c. The Planning Board is charged with the duty of exercising sound judgment and of rejecting plans which, it its opinion, based upon study and advice of the Town Engineer, Town Attorney or an Architectural/Historic Preservation Consultant, are not of harmonious character because of proposed style, materials, mass, line, detail or placement upon the property or in relation to the spaces between buildings or the natural character of the landscape or because the plans do not provide for the location and design of structures and open spaces so as to create a balanced and harmonious composition as a whole and in relation to its several parts and features to each other.

2. ~~2.~~The site plan review process has three primary steps as follows:

a. ~~a.~~Concept Review ~~–~~ Sketch Plan.

b. ~~b.~~Preliminary Site Plan Review.

c. ~~c.~~Final Site Plan Review and Approval.~~3.~~

3. Procedure for preliminary site plan review and action.

Prior to the issuance of a building permit for any Site Plan Review uses the Town Board shall refer the application and all application materials as specified herein to the Planning Board for its review and approval in accordance with the provisions set forth in this Section. In cases where Land Use and/or area density is at issue, or where specific cases of hardship or improper classification are evident, the Planning Board shall notify the Town Board and shall refer the application to the Zoning Board of Appeals for an opinion and recommendation prior to granting Preliminary Site Plan Approval. If an application for a variance of land use or area is made to the Zoning Board of Appeals prior to the application for Site Plan Review, the Zoning Board of Appeals shall notify the Town Board and the Planning Board of the action and opinion prior to the granting of preliminary Site Plan Approval.

Within sixty ~~–~~ two (62) days of the receipt of a Preliminary Site Plan and all information necessary to constitute a fully **complete** application, the Planning Board shall inform the applicant, in writing, of its decision. An application shall be considered **complete** when the applicant has submitted all information necessary to make a determination of significance under the New York State Environmental Quality review.

If the Planning Board determines that the site plan or building style does not meet the standards of the town, the applicant may request an extension of the 62-day period.~~a.~~

a. Concept Review. A meeting shall be held between the Planning Board and applicant to review the basic site and architectural design concept and generally determine the information to be required on the preliminary site plan. The applicant should provide the data discussed below in addition to a statement or rough sketch describing the proposal. The Planning Board shall issue written comments as the result of this meeting.

The applicant shall provide the following information:

(1) ~~(1)~~An area map showing the parcel under consideration for Site Plan Review, and all properties, subdivisions, streets and easements within five hundred (500) feet of the boundaries thereof.

(2) ~~(2)~~A map of site topography at no more than five (5) feet contour intervals. If general site grades exceed five (5) percent or portions of the site have bedrock outcrop or the susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two (2) feet of elevation should also be provided.

(3) ~~(3)~~The owner, the architect, or other agent of the owner shall submit preliminary plans, elevations, sketches and/or proposals to the Planning Board for consultation concerning preferred architectural aesthetics prior to filing an application for a building permit or an application for Site Plan Review.~~b.~~

b. Application for Preliminary Site Plan Approval. An administrative fee of fifty dollars ($50.00) shall accompany an application for preliminary Site Plan Review and approval. No further fee is required at the final site plan stage.

The applicant shall pay anticipated costs that the Planning Board expects to incur due to consulting services or other review costs consistent with section 100-54(a) and the applicant shall be required to place funds into an escrow account consistent with section 100-54(b).

An application for Architectural Review and preliminary site plan approval shall be made in writing to the CEO~~/ZEO~~ and shall be accompanied by information drawn from the following checklist, as determined necessary by the Planning Board at the Concept Review meeting.

(1) ~~(1)~~Preliminary Site Plan Submission Requirements:

- Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- North arrow, scale and date;
- Boundaries of the property plotted to scale;
- Name and address of all adjoining property owners;
- Existing watercourses and drainage ways;
- Grading and drainage plan, showing existing and proposed contours;
- Location, proposed use and height of all buildings;
- Location, design and construction materials of all parking and truck loading areas, showing access and egress;
- Provision for pedestrian circulation access and handicapped access;
- Location of outdoor storage, and method of screening if any;
- Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, fences, and signs;

- Location, design and general construction materials of all existing or proposed buildings, structures and accessory structures including elevations of the building(s) illustrating all views fronting public streets, and/or three-dimensional renderings necessary to illustrate the size shape and form of all sides of the building(s)~~.~~;
- Description of the method of sewage disposal and location, design and construction materials of such facilities;
- Description of the method of securing public water and location, design and construction materials of such facilities;
- Location of fire and other emergency zones, including the location of fire hydrants and fire lanes;
- Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- Location, size and design and construction materials of all proposed signs;
- Location and proposed development of all buffer areas, including existing vegetative cover;
- Location and design of outdoor lighting facilities and light emissions to 25 feet within adjoining property;
- Designation of the amount of building area proposed for retail sales or similar commercial activity;
- General landscaping plan and planting schedule;
- Other elements integral to the proposed development as considered necessary by the Planning Board including identification of any state or county permits required for the project's execution;
- Agricultural Data Statement if located within 500.0 feet of an agricultural district (forms can be obtained at the Cayuga County Planning Department or from the Town Clerk);
- Archeological survey as required by the New York State Historic Preservation Office (SHPO) if any, and~~;~~
- Completed Environmental Assessment Form (EAF) in compliance with the New York State Environmental Quality Review Act (SEQRA).

(2) ~~(2)~~Review Criteria. The following criteria for the Planning Board review may include, but shall not be limited to the following:

(a) ~~(a)~~Adequacy and arrangement of vehicular traffic egress/ingress and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

(b) ~~(b)~~Adequacy, arrangement of pedestrian, ADA compliant traffic access, and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

(c) ~~(c)~~Location, arrangement, appearance and sufficiency of off-street parking and loading.

(d) ~~(d)~~Location, arrangement, size, design, architectural style and general site compatibility of buildings, lighting and signs.

(e) ~~(e)~~Relationship of proposed architectural styles and materials within the context of the community, surrounding neighborhood or compatibility with adjacent environs.

(f) ~~(f)~~Adequacy and maintenance of stormwater and drainage facilities.

(g) ~~(g)~~Adequacy of water supply for drinking and fire protection purposes and sewage disposal facilities.

(h) ~~(h)~~Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

(i) ~~(i)~~In the case of an apartment complex or other multiple dwelling, the adequacies of usable open space for play areas and informal recreation.

(j) ~~(j)~~Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

(k) ~~(k)~~Adequacy of fire lanes, other emergency zones, and the provision of fire hydrants.

(l) ~~(l)~~Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

(m) ~~(m)~~Relationship to active agricultural land and fallow land to ~~insure~~ ensure that the conversion of agricultural land to non-agricultural uses is minimized and to ~~insure~~ ensure that all potential conflicts with agricultural operations are minimized.

(3) ~~(3)~~Consultant Review. The Planning Board may consult with the town engineer, an engineer appointed by the Town Board, town building inspector, fire commissioners, conservation council, commissioner of public works, other local and county officials, and its designated private consultant, in addition to representatives of federal and state agencies including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

(4) ~~(4)~~Public Hearing. The Planning Board shall conduct a public hearing on the preliminary site plan. Such public hearing shall be conducted within sixty -two (62) days of the receipt of the **complete** application for preliminary site plan approval and shall be advertised in a newspaper for general circulation in the Town at least five (5) days before the public hearing.

c. ~~c.~~Planning Board Action on Preliminary Site Plan.

The proposed development in question may be subject to the provisions of the State Environmental Quality Review Act (SEQRA). First, the Planning Board should identify the type of action the proposed development is according to the SEQRA. Depending on the size, location, and other factors, it may be a Type I or an Unlisted action. To make a decision, the Planning Board should consult Part 617 of Article 8 of Environmental Conservation Law (New York). The Planning Board should also review the Environmental Assessment Form (EAF) submitted as part of the application and consider compliance with current planning activities and plans. The action type and related procedure will dictate the next steps, if any, to be taken to comply with the SEQRA regulations.

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement is filed. The application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement has been completed and submitted to the Planning Board. When the draft environmental impact statement is completed, the period for Planning Board review begins (62 days). If another agency has determined that the proposal in question may have a significant effect on the environment, the Planning Board shall not issue a decision until a final environmental impact statement has been filed.

When compliance with SEQRA is complete, the Planning Board shall act on the application within sixty-two (62) days. If no decision is made within said sixty-two (62) day period, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether the preliminary site plan is approved, disapproved or approved with modifications.

The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

4. ~~4.~~Procedure for ~~final site plan review and action~~Final Site Plan Review and Action.

After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Planning Board for approval. If more than six (6) months has elapsed since the time of the Planning Board's action on the preliminary site plan and, if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Planning Board in its preliminary review including consensus regarding recommended architectural style. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

The following additional information shall accompany an application for final site plan approval:

a. Record of application for and status of all necessary permits from state and county officials;

b. Detailed sizing and final material specification of all required improvements; and

c. An estimated project construction schedule.

(1) ~~(1)~~Required Referral. Prior to taking action on the final site development plan, the Planning Board shall refer the plan to the County Planning Department for advisory review and a report in accordance with Section 239 of the General Municipal Law, where the proposed action is within a distance of 500 feet from the boundary of a farm operation located in an Agricultural District, any City of Auburn, Village of Cayuga, or town, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

(2) ~~(2)~~Planning Board Action on Final Detailed Site Plan. No final site plan approval shall be granted on any application that has been referred to the Planning Board unless the Planning Board has recommended approval of the architectural style, the plans have been amended to incorporate any conditions of approval imposed by the Planning Board or the Planning Board approves the site plan by a vote of a majority plus one of its members.

Within sixty-two (62) days of receipt of the application for final site plan approval, the Planning Board shall render a decision to Town Board. If no

decision is made within the sixty-two (62) day period, the final site plan shall be considered approved. Conditional approval shall not be granted based on engineering issues necessary to accomplish site development.

No conditional approvals will be granted for any engineering issue requiring further review by the Town Engineer or reviewing engineer appointed by the Aurelius Town Board.

5. ~~5.~~Applicability of ~~site plan review process~~Site Plan Review Process.

The Site Plan Review Process shall apply to all uses, whether designated "permitted" or otherwise, in those portions of all zoning districts located within The Town except the following: One-family dwelling, two-family dwelling, farm. Such uses shall be termed "Site Plan Review Uses."

~~**§ 100-54(a) Reimbursement for Professional Services Fees**~~

~~A. The Town Board, the Town Planning Board, or the Town Zoning Board of Appeals, in the review of any application, appeal or other matter pending before said board, may refer such application, appeal or matter to such engineering, planning, legal, technical or environmental consultant, or other professional(s) employed or engaged by the Town of Aurelius, as such board shall deem reasonably necessary to enable it to competently review the same as required by law.~~

~~B. The applicant, appellant or other party seeking relief, or a determination, as the case may be, shall reimburse the Town of Aurelius for the cost(s) of such consultant and/or professional services.~~

~~C. Charges made by such consultants shall be in accordance with charges typically assessed for such services in the Finger Lakes Region of New York State or pursuant to an existing contractual agreement between the Town and such consultant.~~

~~D. At such time as the application, appeal or other matter to be reviewed is approved, denied or completed by the board having jurisdiction, the Town Clerk shall refund to the applicant/appellant the escrow deposit required pursuant to Section 5 below, less any sums expended by the Town to engage services of professionals, including, but not limited to, attorneys and/or engineers, in order to provide assistance to said board relating to said application, appeal or other matter. A copy of the computation of said sums so expended shall be provided to the applicant/appellant at the time that the Town Clerk shall calculate the refund, if any, due the applicant/appellant hereunder.~~

~~E. In the event that an application, appeal or other matter is required to be reviewed by more than one board, then, in such event and to the extent practicable, both boards shall use the same consultant, who shall, in such case, to the extent practicable, prepare one (1) report providing data, information and recommendations requested. In all instances, duplications of consultants' reports or services shall be sought to be avoided wherever practicable in order to minimize the cost of such consultants' reports or services to the applicant/appellant. The above fees are in addition to any and all other fees required by any other law, rule or regulation.~~

~~**§ 100-54(b) Escrow Accounts**~~

A. At the time of submission of any application, appeal or matter to be reviewed, or thereafter, an escrow account shall be established, from which withdrawals shall be made to reimburse the Town for the costs of professional services. The applicant shall then provide funds to the Town for deposit into such account in an amount to be determined by the reviewing board with the advice and recommendation of the respective professional party engaged by the Town of Aurelius based on the said professional's evaluations of the nature and complexity of the application.

B. The applicant/appellant shall be provided with copies of any voucher for such services as they are submitted to the Town, except for any privileged portions of legal billings. The applicant/appellant shall be provided with an accounting of the reimbursements made from the escrow account to the Town upon applicant/appellant's request.

C. Any professional engaged by the Town shall report monthly to the Town Bookkeeper the monetary value of their services rendered on each project.

D. When the balance in such escrow account is reduced to one third (1/3) of its initial amount, the Town Bookkeeper shall advise the applicant/appellant and the applicant/appellant shall deposit additional funds with the Town Bookkeeper to bring the balance of such escrow account up to the amount of the initial deposit. If such account is not replenished within thirty (30) days after the applicant/appellant is notified in writing of the requirement for such additional deposit, the reviewing board may suspend its review of the application, appeal or matter under review. An application, appeal or matter under review shall be deemed incomplete if any amount shall be outstanding.

E. A building permit, other permit, or approval by the respective board being sought shall not be issued unless all professional review fees charged in connection with the applicant/appellant's project have been reimbursed to the Town from said escrow account.

F. All fees required pursuant to this Local Law shall be collected by the Town Clerk.

G. This section shall be applicable to applications and appeals of matters under review pending at the time it shall become effective, unless the reviewing board shall determine that its application would be impracticable, unfair or unjust in the particular circumstances. Where this section shall be applicable to a pending application, appeal or matter of review, it shall, in such event, require an applicant/appellant only to pay for professional fees for the services rendered after it shall have become effective. Where this section shall be applicable to an appeal, the board responsible for the review of same may waive the requirement for an escrow account and may establish reasoned reimbursement criteria in light of the nature, complexity and time expenditures of consultants inherent in undertaking a complete and proper review of the appeal.

H. The Town Bookkeeper shall keep records of all escrow deposits and associated reimbursements made to the Town.

§ 100-55 Effective date.

§ 100-53 Special Permit Review.

A. Applications for Special Permit Uses shall be subject to review and approval by the Planning Board and shall include consideration of the site plan review criteria set forth in §100-54 in addition to the special permit standards identified in subsection C below.

B. In granting or denying applications for Special Permit Uses, the Planning Board shall take into consideration the scale of the proposed project and the possible impact of the proposed project on the functioning of nearby farm operations, as well as any proposed or

existing conservation easements, architectural restrictions or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic, natural and historic character of the Town.

C. The Planning Board's review of an application for a Special Permit Use shall include, but not be limited to, the following:

1. Determination of whether the proposal will comply with all provisions and requirements of this chapter and of all other local laws and regulations and will be consistent with the purposes of the land use district in which it is located, with the goals of the Comprehensive Plan, and with the purposes of this chapter.

2. Adjacent land uses. The Planning Board shall consider whether the proposed Special Permit Use will have a negative effect on existing adjacent land uses.

3. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

4. Location, arrangement, appearance and sufficiency of off-street parking and loading.

5. Adequacy of stormwater and drainage facilities.

6. Adequacy of water supply and sewage disposal facilities.

7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

8. Protection of adjacent or neighboring properties against noise, glare, dust, odors, pollution, unsightliness or other objectionable features.

9. Accessibility to fire, police and other emergency vehicles.

10. Suitability for the property on which it is proposed in light of the property's size, location, topography, vegetation, soils, natural habitat and hydrology and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

D. Conditions. The Planning Board may require such conditions on operation, design and layout of structures and provision of screening, buffer areas and off-site improvements as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.

E. Change of Special Permit Use. A special permit shall apply only to the use for which it has been granted. A new special permit is required for any subsequent change of use.

F. The Planning Board shall conduct a public hearing to consider issuance of any special permit within sixty-two (62) days from the date upon which it receives a complete application and shall publish notice said hearing in a newspaper of general circulation in the Town at least five (5) days prior to the hearing. The Planning Board shall, in addition, mail written notice of such public hearing by regular mail to the applicant and to all owners of property contiguous to the parcel where the proposed special use is to be conducted using the current address and property ownership information for contiguous parcels as reflected in the Town Assessor's records, and such regular mail notice is to be mailed at least five (5) days prior to the hearing.

G. The Planning Board shall render a final written decision on the application within sixty-two (62) days after the public hearing, unless such time is extended by mutual consent by the applicant and the Planning Board. Copies of the Planning Board's final decision shall be filed in the office of the Town Clerk and mailed to the applicant within five (5) business days after such decision is rendered.

§ 100-54 Expiration, Change of Use, Violations.

A. A special permit shall expire if the use ceases activity for more than twenty-four (24) consecutive months for any reason, if the applicant fails to obtain the necessary zoning permit(s) or fails to comply with the conditions of the special permit or site plan approval within eighteen (18) months of its issuance, or if the time limit in the applicant's zoning permit expires without renewal.

B. A special permit shall apply only to the use and/or site plan for which it has been granted. A new special permit and/or site plan is required for any subsequent change of use that requires a special permit and/or site plan approval.

C. A special permit may be revoked by the Planning Board if the permittee violates the conditions of the special permit or engages in any construction or alteration not authorized by the special permit or site plan approval. A permittee shall be entitled to a hearing before the Planning Board prior to any such revocation.

D. Any violation of the conditions of a special permit shall be deemed a violation of this chapter and shall be subject to enforcement action as provided in this Chapter.

§ 100-55 Effective Date.

This amendment shall take effect ten (10) days after publication pursuant to Section 133 of the Town Law.

~~**ARTICLE XVII**~~

ARTICLE XVIII

ADMINISTRATION AND ENFORCEMENT

§ 100-56 ~~Administration and~~ Code Enforcement Officer.

~~**§ 100-56. Enforcement officer.**~~

The provisions of this chapter shall be administered and enforced by a person designated by the Town Board as the~~"Enforcement Officer" (synonymous with "~~ Code Enforcement Officer~~" or "Zoning Enforcement Officer" (CEO/ZEO)~~ who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. No zoning permit or certificate of occupancy required hereunder shall be issued by the CEO~~/ZEO~~ except in compliance with the provisions of this chapter or as directed by the Board of Appeals under the provisions of Article ~~XVIII~~XIX.

§ 100-57 ~~§ 100-57~~ Zoning ~~permit.~~Permit.

A. ~~A.~~No building shall be erected or altered and no change in the primary use of a property initiated and no clearing, grading or excavation for any building or use shall begin unless and until a zoning permit for such work has been issued by the CEO~~/ZEO~~ in compliance with this chapter and the Building Code of New York State, as amended~~.~~.

B. ~~B.~~Applications for zoning permits shall be submitted in triplicate on a form or forms provided by the Code Enforcement Officer. Each zoning permit application shall set forth all the information necessary to determine compliance with the provisions of this chapter and the Building Code of New York State, as amended. The CEO~~/ZEO~~ may require such additional information, other than that called for on the application form, as may reasonably be needed to determine if the proposed action is in conformity with the provisions of this chapter and the State Uniform Fire Prevention and Building Code.

C. ~~C.~~The CEO~~/ZEO~~ shall have the right to inspect all multi-family residential rental units in the Town of Aurelius annually. In the event that an interim inspection is deemed necessary, the CEO~~/ZEO~~ may request an inspection upon advance notification to the property owner of fifteen (15) business days.

§ 100-58 ~~§ 100-58~~ Certificate of ~~occupancy.A~~Occupancy.

A. A certificate of occupancy is required for any of the following:

1. ~~1.~~Occupancy and use of a building hereafter erected, altered, moved or extended.

2. ~~2.~~Change in the use of an existing building~~.3~~.

3. Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil or similar agricultural use.

4. ~~4.~~Change in the use of land, except for any use consisting primarily of tilling the soil or similar agricultural use.

B. ~~B.~~A certificate of occupancy may be obtained, on application from the CEO~~/ZEO~~. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this chapter. The CEO~~/ZEO~~ shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within a reasonable period of time from the date of application.

§ 100-59 ~~§ 100-59~~ Penalties for ~~offenses.A~~Offenses.

A. Any person, firm, corporation or other entity who or which shall violate any of the provisions of this Local Law, or any rule or regulation made pursuant thereto, shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine not to exceed $250 or imprisonment not to exceed 15 days, or both. Each day during or on which a violation of this Local Law shall occur shall be deemed a separate and distinct offense.

B. ~~B.~~In addition to the above penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction any offense against any provision of this Local Law.

ARTICLE XIX

BOARD OF APPEALS

~~ARTICLE XVIII~~
~~Board of Appeals~~

§ 100-60 ~~§ 100-60~~ Establishment and ~~membership~~Membership.

A Board of Appeals is established by the Town of Aurelius in accordance with the Town Law of New York State. It shall consist of five (5) members. The term of office of the members of the Board of Appeals and the manner of their appointment shall be in accordance with the provisions of the Town Law. Vacancies occurring in said Board shall be filled for such unexpired period only.

§ 100-61 ~~§ 100-61~~ Statutory ~~authority~~Authority.

The Board of Appeals shall have the duties, rights, powers and functions conferred upon it by § 267 of Article XVI of the Town Law and any other provisions of law or ordinance applicable thereto, including the following.

§ 100-62 ~~§ 100-62~~ Meetings.

All meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as such Board may determine. Such Chair, or in his/her absence the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

§ 100-63 ~~§ 100-63~~ Records.

All decisions of the Board shall be in writing, and a copy of each decision shall be sent to the applicant and to the CEO~~/ZEO~~. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and Town Clerk and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards of § 100-90 where the appeal is for a variance or a special permit.

§ 100-64 ~~§ 100-64~~ Appeals~~.~~.

A. ~~A.~~The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the CEO~~/ZEO~~. It shall also hear and decide all matters referred to it upon which it is required to pass under this chapter. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the CEO~~/ZEO~~ or to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter. Such appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the town.

B. ~~B.~~Such appeal shall be taken within thirty (30) days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the CEO~~/ZEO~~ and with the Board of Appeals a notice of appeal specifying the grounds thereof. The CEO~~/ZEO~~

shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

§ 100-65 ~~§ 100-65~~ Stay of ~~proceedings~~Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from unless the CEO~~/ZEO~~ from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Officer from whom the appeal is taken and on due cause shown.

§ 100-66 ~~§ 100-66~~ Powers and ~~duties~~Duties; ~~criteria~~ Criteria for ~~decisions~~Decisions.

The Board of Appeals shall have the following powers and duties prescribed by statute and by this chapter:

A. ~~A.~~Interpretation. On appeal from a determination of the Code Enforcement Officer, to hear and decide on questions where it is alleged there is an error in any order, requirements, decision, or determination made by the Code Enforcement Officer involving the interpretation of any provision of this chapter.

B. ~~B.~~Variance. On an appeal from a determination of the ~~Zoning~~ Code Enforcement Officer and in conformity with law, to vary the requirements as they apply to a particular lot where the property owner can show that his property was acquired in good faith and where the strict application of this chapter would result in practical difficulty (area variance) or unnecessary hardship (use variance). No application for a variance shall be acted on until the required public hearing has been held. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case as specified below:

1. ~~1.~~Area ~~variance~~Variance. This is a variance involving dimensional deviations from the standards set forth in this chapter. Because of exceptional narrowness, shallowness, shape or area of the specific parcel or because of extraordinary topographic conditions or other physical conditions or location of the specific parcel, the strict application of the provisions of this chapter actually prohibit or unreasonably restrict the use of the land or building for which such variance is sought, and the granting of the variance is necessary for the reasonable use of such property and the variance granted by the Board is the minimum variance that will provide for the reasonable use of the property. Practical difficulty is the test for an area variance. The Board shall address each of the following criteria in making a determination for an area variance:

a. ~~a.~~How substantial the variance is in relation to the zoning requirement~~.b~~.

b. The effect of the increased population density or land use intensity on available government facilities. This could include fire and police protection, schools and utilities.

c. ~~c.~~Whether a substantial change will be produced in the character of the neighborhood, or whether a substantial detriment to adjoining properties will be created.

d. ~~d.~~Whether the difficulty can be eliminated by some method other than a variance which is feasible for the applicant to pursue. In the case of side yard variances in particular, it is frequently feasible, proper, and possible for the applicant to alter the plot plan to locate a proposed structure or addition in a new location which does not require any variance.

e. ~~e.~~Whether, in view of the manner in which the difficulty arose and in consideration of the above factors, the interests of justice will be served by allowing the variance.

2. ~~2.~~Use ~~variance~~Variance. This is a variance which permits a use of land which is prohibited by this chapter. The granting of a use variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the owner, which conditions are peculiar to such land or building and do not apply generally to land or buildings in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this chapter. Unnecessary hardship is the test for a use variance. The Board shall address each of the following criteria in making a determination for a use variance:

a. ~~a.~~The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.

b. ~~b.~~The use to be authorized by the variance will not alter the essential character of the locality~~.c~~.

c. The use to be authorized by the variance is granted in accordance with the Town Law of New York State ‘267-b(2) and any future amendments thereto.

3. ~~(3)~~In any case, the granting of the variance will be in harmony with the intent, spirit and purpose of this chapter and will not otherwise be injurious to the neighborhood.

~~C. Special permit uses.~~

~~1. On application, supplementing an application to the CEO/ZEO for a zoning permit or certificate of occupancy, the Board of Appeals may grant a permit for any use for which approval of the Board is required under this chapter. In granting such permit, the Board may specify appropriate conditions in harmony with the following standards:~~

~~a. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts.~~

b. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections and the general character and intensity of development of the neighborhood.

c. The location and height of building, the location, nature and height of walls and fences and the nature and extend of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and/or buildings or impair the value thereof.

2. The Board of Appeals shall conduct a public hearing to consider issuance of any special permit and, in addition, to publishing a notice of the hearing in the town newspaper at least ten (10) days prior to the hearing, the Board of Appeals shall, in addition, mail written notice of such public hearing by regular mail to all owners of property contiguous to the parcel where the proposed special use is to be conducted using the current address and property ownership information for contiguous parcels as reflected in the Town Assessor's records, and such regular mail notice is to be mailed at least ten (10) days prior to the hearing.

§ 100-67 Hearing and determination.

§ 100-67 Haring and Determination.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and by publication at least once in the official newspaper seven (7) days before the date of the hearing and shall decide the same within a reasonable time. The petitioner and/or his duly authorized representative shall be present for the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

~~ARTICLE XIX~~
ARTICLE XX

AMENDMENTS

~~**Amendments**~~

§ 100-68 ~~§ 100-68~~ Initiation~~.~~.

A. ~~A.~~The Town Board may from time to time, on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this chapter~~.B~~.

B. Whenever the owners of fifty percent (50%) or more of the frontage in any district or part thereof shall present a petition, duly signed and acknowledged, to the Town Board, requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Town Board to vote upon said petition within thirty (30) days after the filing of the same by the petitioners with the Town Clerk.

C. ~~C.~~The Planning Board may, by resolution, propose an amendment to the Town Board, suggesting a change or repeal of the regulations. Within sixty (60) days from the time such resolution is filed with the Town Clerk, it shall be the duty of the Town Board to vote on such proposed amendment.

§ 100-69 ~~§ 100-69~~ Referral to Town Planning Board and County Department of Planning~~.~~.

A. ~~A.~~All proposed amendments, supplements, or changes originating by petition or by motion of the Town board shall be referred to the Planning Board for a report and recommendations thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment~~.B~~.

B. Whenever any zoning regulation or any amendment, including special permits or variances, would change the district classification of or a regulation applying to real property within a distance of five hundred (500) feet from any boundary line of properties in a neighboring municipality or upon other county or state property as described in §§ 239-l and 239-m of the General Municipal Law, said zoning regulation or amendment shall be referred by the Town Board to the Cayuga County Department of Planning, which Department shall have thirty (30) days in which to report its recommendations to the Town Board. Failure of the County Department of Planning to report within thirty (30) days may be construed to be approval by the Department.

§ 100-70 ~~§ 100-70~~ Public ~~hearing~~Hearing.

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. Such hearing may be held by the Town Board, by a committee of the Board or by the Planning Board on request of the Town Board.

§ 100-71 ~~§ 100-71~~ Adoption.

After the public hearing and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend this chapter except as described in § 100-68.

§ 100-72 ~~§ 100-72~~ Protest ~~petitions~~Petitions.

If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land included in such proposed change or by the owners of twenty percent (20%)

or more of the land immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of three-fourths (¾) of the Town Board.

~~ARTICLE XX~~
ARTICLE XXI

MOBILE HOMES

§ 100-73 Temporary Mobile Homes.

~~§ 100-73 Temporary mobile homes.~~

Location of an individual mobile home may be permitted in the A Agricultural District upon authorization of a permit by the Board of Appeals when the Board determines that one of the following criteria has been met:

A. ~~A.~~Temporary ~~mobile home~~Mobile Home: ~~family member.1~~Family Member.

1. The location of the mobile home is temporary and shall exist only for the purpose of serving as a dwelling unit for a person or persons of the immediate family occupying a permanent residence on the same parcel. For the purpose of this Article, "immediate family" is limited to mother, father, brother, sister, son, daughter, mother-in-law, father-in-law or grandparent(s). The Board of Appeals, in considering an application for such a temporary mobile home permit shall determine that:

a. ~~a.~~The applicant is a member of the immediate family of the person or persons occupying a permanent residence on the same parcel~~.b~~.

b. No other viable housing alternatives exist for the person or persons who would occupy the mobile home (criteria to be considered include income, illness or disability, etc.).

c. ~~c.~~The area requirements, including front, side and rear yard setbacks, shall be adequate~~.~~.

d. ~~d.~~Adequate drinking water and sanitary facilities are provided in accordance with the Cayuga County Sanitary Code and any amendments thereof~~.~~.

e. ~~e.~~A temporary mobile home shall be located within 100 feet of the principal dwelling on a 6" reinforced concrete pad and septic system approved by a licensed professional engineer or architect~~.~~.

2. ~~2.~~If the Zoning Board of Appeals determines that the above criteria have been met, it may issue a two-year temporary permit. Said temporary permit may be renewed for additional two-year periods upon a determination by the CEO~~/ZEO~~ that the applicant is complying with all conditions under which the permit was originally issued~~.~~.

3. ~~3.~~No permanent addition, other than an enclosed entryway or storage building, shall be permitted for a temporary mobile home for a family member~~.~~.

4. ~~4.~~Within thirty (30) days of such time as the mobile home is no longer used for the immediate family member for whom the original temporary permit was granted, the

owner of the parcel on which the mobile home is located shall notify the CEO~~/ZEO~~ that such condition exists.

5. ~~5.~~Within a reasonable time period, not to exceed sixty (60) days (unless an additional 60~~-~~day extension is granted by the CEO~~/ZEO~~), from when the temporary mobile home is no longer used for the purpose for which the permit was granted, the owner of the parcel on which the mobile home is located shall remove or cause to be removed the temporary mobile home from the parcel.

B. ~~B.~~Temporary ~~mobile home~~Mobile Home; ~~farm-related.1~~Farm-Related.

1. The location of the mobile home is temporary and in conjunction with an operating farm and shall exist only for the purpose of serving as a dwelling unit for a person or persons principally employed in the operation of the farm. The Board of Appeals, in considering an application for such farm-related mobile home, shall determine that:

a. ~~a.~~The occupant of the mobile home is principally employed in the operation of the farm~~.b~~.

b. There shall be no transfer of land on which to place such mobile home. The ownership of the land on which the mobile home is to be placed shall be maintained by the owner of the farm unit.

c. ~~c.~~The area requirements, including front, side and rear yard setbacks, shall be no less than that required for the principal structure~~.~~.

d. ~~d.~~Adequate drinking water and sanitary facilities are provided in accordance with the Cayuga County Sanitary Code and any amendments thereof~~.e~~.

e. A temporary mobile home shall be located within 100 feet of the principal dwelling on a 6" reinforced concrete pad and an individual septic system approved by a licensed professional engineer or architect.

2. ~~2.~~If the Zoning Board of Appeals determines that the above criteria have been met, it may issue a one-year temporary permit~~.~~.

3. ~~3.~~No permanent addition, other than an enclosed entryway or storage building, shall be permitted for a farm-related mobile home~~.~~.

4. ~~4.~~Within thirty (30) days of such time as the mobile home is no longer used as a dwelling unit for a person or persons principally employed in the operation of the farm on which the mobile home is located, the owner of the farm shall notify the CEO~~/ZEO~~ that such condition exists~~.~~.

5. ~~5.~~Within a reasonable time period, not to exceed sixty (60) days (unless an additional 60~~-~~day extension is granted by the CEO~~/ZEO~~), from when the farm-related mobile home is no longer used for the purpose for which the permit was granted, the owner of the farm

on which the mobile home is located shall remove or cause to be removed the mobile home from the parcel.

C. ~~C.~~Temporary ~~mobile home~~Mobile Home; ~~new construction/reconstruction.1~~New Construction/Reconstruction.

1. The location of the mobile home is temporary and shall exist only for the purpose of serving as a dwelling unit during the construction or reconstruction of a permanent dwelling unit, the Board of Appeals, in considering an application for such a temporary mobile home permit, shall determine that:

a. ~~a.~~An application for a building/use permit for a permanent residence has been applied for and granted to the applicant who is requesting the temporary mobile home permit, and the foundation of the permanent home has been approved~~.~~.

b. ~~b.~~The area requirements, including front, side and rear yard setbacks, shall be adequate~~.~~.

c. ~~c.~~Adequate drinking water and sanitary facilities are provided in accordance with the Town of Aurelius Sanitary Code and any amendments thereof~~.2~~.

2. If the Zoning Board of Appeals determines that the above criteria have been met, it may issue a one-year temporary permit. Said temporary permit may be renewed for not more than four (4) additional one-year periods upon due cause shown by the applicant.

3. ~~3.~~No permanent addition, other than an enclosed entry or storage building, shall be permitted for a temporary mobile home~~.4~~.

4. Within thirty (30) days of such time as a certificate of occupancy is issued for the permanent dwelling or the expiration of the temporary mobile home permit or any extension thereof, whichever shall occur first, the owner of the parcel on which the mobile home is located shall remove or cause to be removed the temporary mobile home from the parcel.

§ 100-74 ~~§ 100-74~~ Mobile ~~home parks.A~~Home Parks.

A. A mobile home park shall be located and maintained only in those districts designated as a Planned Unit Development (PUD or PDD) as permitted in this chapter and in accord with the standards herein set forth.

B. ~~B.~~Any proposal for a mobile home park shall be required to comply with Article ~~XVI~~ XVII and § ~~100-75.C~~100-73.

C. Any proposal for a mobile home park shall be required to comply with Part 7 of the New York State Sanitary Code, together with any revisions thereof.

D. ~~D.~~All mobile home parks shall obtain an annual operating permit from the CEO~~/ZEO~~. All operating permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable operating permit shall be made to the CEO~~/ZEO~~

sixty (60) days prior to the expiration date of the previous permit. The CEO~~/ZEO~~ shall issue or deny such permit in accord with the requirements set forth in this chapter and the established fee schedule~~.E~~.

E. All existing mobile home parks of record shall comply with these regulations, including the obtaining of an annual operating permit, except that as long as no addition, expansion or alteration of the use or operation is proposed, they shall not be subject to Subsection B of this section. If, however, any addition, expansion or alteration of the existing mobile home park of record is proposed, said addition, expansion or alteration shall be subject to all provisions of this chapter including Subsection B. All existing mobile home parks shall be limited to the number and size of mobile homes presently accommodated at the time of adoption of this chapter, except as they shall meet the minimum requirements set forth herein. In addition, existing parks shall comply in every regard with all applicable building codes and minimum standards for health, sanitation and cleanliness.

§ 100-75 ~~§ 100-75~~ General ~~standards~~Standards.

In addition to any requirements found elsewhere in this chapter, all mobile homes, including double-wide mobile homes, in the Town of Aurelius, whether existing, temporary or in a mobile home park, shall be subject to the following conditions:

A. ~~A.~~The mobile home shall be provided with an approved skirting.

B. ~~B.~~The mobile home stand shall provide sewer or a 6" reinforced concrete slab and served by a septic system approved by a licensed professional engineer or architect and approved mobile home tie-downs of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.

C. ~~C.~~All mobile homes shall conform to the requirements of the Building Code of New York State. The said Building Code of New York State requirement shall apply to existing mobile homes only to the extent that said code mandates retroactive application.

D. ~~D.~~The Town of Aurelius has the right to inspect all mobile home units that are used for rental purposes or occupied by renting tenants.

~~**ARTICLE XX**~~
~~**Miscellaneous Provisions**~~

E. No more than one (1) mobile home or double wide mobile home shall be permitted on a single lot, except as permitted by §100-__ of this chapter.

ARTICLE XXII

CANNABIS ZONING PROVISIONS

§ 100-76 Cannabis Retail Dispensaries and Onsite Consumption.

A. Special Permit Requirement. A Cannabis Retail Dispensary and Onsite Consumption Business shall be permitted in the Commercial and Industrial zoning districts upon the issuance of a special use permit by the Town Planning Board. The Town Planning Board shall apply the standards set forth in Section 100-55 of the Zoning Law when considering whether to issue a special use permit. An applicant shall adhere to the procedures set for in Section 100-55 of the Zoning Law governing the process to apply for a special use permit, including the requirement for a public hearing to allow for comment from members of the community.

B. Lot Area. A Cannabis Retail Dispensary and Onsite Consumption Business must be located on a lot no smaller than one (1) acre that is located entirely within either a commercial or industrial zoned district.

C. Minimum Parking Requirements. For each two hundred (200) square feet devoted to merchandising within a Cannabis Retail Dispensary, one parking space shall be required. For each two hundred (200) square feet devoted to merchandising or seating at an Onsite Consumption Business, one parking space shall be required.

D. Impact on Neighboring Properties. The Town Planning Board shall consider the unique potential for excessive traffic, noise, light, glare or other nuisances associated with the Retail Sale of Cannabis Products, due to the anticipated high intensity of the use, potential for crowds and long lines. The Planning Board may require additional buffers and screening in excess of the minimums set forth in the Zoning Law in order to mitigate the above referenced impacts.

E. Time of Operation. A Cannabis Retail Dispensary or Onsite Consumption Business may only operate during the following timeframes: Monday-Saturday 9 a.m. to 9 p.m.; and Sunday 10 a.m. to 6 p.m.

F. Definitions.

1. "Cannabis" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp.

2. "Cannabis Products" means cannabis, concentrated cannabis, and cannabis-infused products for use by a consumer.

3. "Cannabis Retail Dispensary" means any person or business that engages in the Retail Sale of Cannabis Products, the sale of which requires the issuance of a license under the provisions of New York State Law.

4. "Onsite Consumption Business" means any Cannabis Retail Dispensary which provides space for adults to consume the Cannabis they purchase on the same licensed premises.

5. "Retail sale of Cannabis Products" means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any Cannabis or Cannabis Products.

ARTICLE XXIII

SHORT-TERM RENTAL USES

§ 100-77 Applicability.

This section applies to the use of any property as a short-term rental. A "short-term rental" means the rental by a tenant of a dwelling unit, or portion thereof, for a period of less than 30 consecutive days. "Period" includes consecutive terms of rental to the same tenant(s).

§ 100-78 Special Permit Required.

A. A short-term rental is allowed by special permit in any district that allows a dwelling unit. Prior to using a dwelling unit as a short-term rental, a property owner must obtain a special permit from the Planning Board pursuant to Article XVI of this Code.

B. The special permit must specify the maximum number of guests permitted to occupy the dwelling unit at one time and shall include a drawing of the location of the bedrooms used as short-term rental units. Over-occupancy of a dwelling unit shall be grounds for revocation of the special permit.

C. The special permit must specify the number of off-street parking spaces required to be maintained and shall include a drawing of the location of the parking spaces on the property. The Planning Board must require sufficient off-street parking spaces to accommodate the maximum number of guests specified in the special permit. Failure to comply with the parking requirements shall be grounds for revocation of the special permit.

D. The special permit must specify whether the short-term rental use shall include hosted and/or un-hosted guests. If necessary to protect neighboring properties, the planning board may limit a short-term rental use to hosted guests as a condition to the issuance of a special permit. If the special permit specifies that only hosted guests will be permitted, the owner of the property, or an agent, must be present on the property at all times when it is being used as a short-term rental. If the owner designates an agent to serve as the host for the property, the name and phone number of the agent must be provided to the Code Enforcement Officer. Failure to comply with the hosting requirements shall be grounds for revocation of the special permit.

E. Any special permit allowing a short-term rental use shall be issued on the condition that the Code Enforcement Officer may inspect the property annually for compliance with the New York State Uniform Fire Prevention and Building Codes and the terms of the special permit. The Code Enforcement Officer shall provide reasonable advance notice prior to each inspection. Failure by the property owner obtain an inspection at least once per calendar year may be grounds for revocation of the special permit. The Code Enforcement Officer may waive the inspection requirement, in writing, at his or her discretion, for any given year if deemed unnecessary. Failure to comply with the inspection requirements shall be grounds for revocation of the special permit.

§ 100-79 Complaints.

A. The owner must provide contact information to the Code Enforcement Officer to allow the Code Enforcement Officer to contact the owner, or his or her agent, in the event of a complaint from a nearby property owner.

B. In the event of a complaint, the owner, or his or her agent, must respond within sixty (60) minutes and present a plan to take remedial action to resolve any complaint deemed valid by the Code Enforcement Officer.

§ 100-80 Suspension and revocation of special permit.

A. A special permit may be suspended or revoked for failure to comply with the terms set forth in special permit or any requirement set forth in this section.

B. To initiate the process to suspend or revoke the special permit, the Code Enforcement Officer shall issue a notice of intent to suspend or revoke. The notice of intent to suspend or revoke shall describe the violation and require the special permit holder to immediately correct the violation or cause the violation to be corrected.

C. The notice of intent shall be provided to the permit holder by personal service, by registered or certified mail to the address submitted with the permit application, or by posting on the premises at issue.

D. If the permit holder fails to immediately correct the violation or cause the violation to be corrected, the Code Enforcement Officer shall suspend or revoke the permit.

E. A permit holder shall be entitled to request a hearing on suspension or revocation before the Town Zoning Board of Appeals, upon application made to the Town Clerk demonstrating that the permit holder was not in violation. Such hearing shall be requested, in writing, with the request addressed to and received by the Town Clerk within five business days of the permit holder's receipt of the notice of intent or of posting, whichever occurs earlier. Any suspension or revocation remains in effect unless modified by the Town Zoning Board of Appeals. Within 30 days of the permit holder's written request, the Town Zoning Board of Appeals shall hold a hearing to determine whether to reverse the suspension or revocation. The Town Zoning Board of Appeals shall issue its written decision within 15 days after the hearing.

F. The owner of a dwelling unit for which a short-term rental special permit has been revoked for the first time may not reapply for a new permit until one year after such revocation.

G. The owner of a dwelling unit for which a short-term rental special permit has been revoked at least once before may not reapply for a new permit until five years after such revocation.

§ 100-81 Termination of Certain Legal Nonconforming Uses After Amortization.

The Zoning Board of Appeals may grant special approval for an existing legal non-confirming short-term rental use to continue for a set period of time, without the issuance of a special permit, under the following circumstances:

A. The owner demonstrates that the short-term rental use is a legal nonconforming use; and

B. The owner demonstrates through competent dollars-and-cents proof that prior to the adoption of this law, they made substantial financial expenditures unique to the short-term rental use; and

C. The owner provides documentation of their total receipts from short-term rentals and expected revenue through the date of the adoption of this law; and

D. The owner demonstrates that they have not recovered substantially all of the financial expenditures related to the short-term rental use; and

E. The owner demonstrates that they cannot obtain a reasonable return on their investment unique to the short-term rental use if the property is used for any other purpose permitted within the zoning district, and that the lack of a reasonable return is due solely to adoption of this law rather than other market forces; and

F. The extension period granted by the Zoning Board of Appeals is the minimum extension period necessary to mitigate the demonstrated loss of a reasonable return.

ARTICLE XXIV

MISCELLANEOUS PROVISIONS

§ 100-82 ~~§ 100-76~~ Mining or ~~extraction~~Extraction.

In any but an industrial or agricultural district, the removal of sod, loam, sand, gravel or quarried stone for sale, except when incidental to or in connection with the construction of a building, shall be permitted only on approval of the Town Board.

§ 100-83 ~~§ 100-77~~ Refuse ~~disposal~~Disposal.

No land in any area shall be used for the commercial disposal of garbage or rubbish by landfill or other method without the written prior approval of the Town Board. No private or

residential area shall be used for garbage or rubbish disposal. Disposal of garbage or rubbish must not violate any state health codes or statutes or any town ordinance or local law.

§ 100-84 ~~§ 100-78~~ Signs~~.~~.

A. ~~A.~~In residential and agricultural districts, there shall be permitted a bulletin board or sign in connection with permitted uses in these districts and referring only to the use of the premises or activities carried on within the confines of the premises. Also permitted shall be one (1) sign advertising the sale or rental of the property on which it is located~~. B~~.

B. No sign in any residential or agricultural district shall exceed twelve (12) square feet [six (6) square feet in area for home occupation] in area or be located closer to a road than one-half (½) of the required front yard distance. All signs shall be kept in a safe and neat condition. Nevertheless, farms or other businesses aside from home occupation uses located in agricultural districts may display a sign larger than twelve (12) square feet, but only upon issuance of a special permit by the Zoning Board of Appeals pursuant to § 100-90.

C. ~~C.~~In business districts, there shall be permitted for each business conducted on the premises one (1) sign or advertising device attached to the building, subject to the following conditions:

1. ~~1.~~The area of the sign shall not exceed one (1) square foot for each linear foot of frontage occupied by the business.

2. ~~2.~~Where a building has frontage on more than one (1) street, there may be one (1) sign for each street frontage~~.~~.

3. ~~3.~~In the case of a sign consisting of letters or devices painted on or applied to a building, the area of the sign shall be taken as the area required to circumscribe all such letters or devices~~.4~~.

4. Where a business or type of business is ordinarily identified by a freestanding sign or advertising device, one (1) sign or device, in addition to a sign or signs attached to the building may be permitted on approval of the Town Board.

5. ~~5.~~In the case of a sign or device attached to a building at right angles and designed to be read from both sides, the area of one (1) side only need be counted.

6. ~~6.~~No sign or device shall overhang any public street or right-of-way~~.7~~.

7. No portable or temporary signs on the exterior of a structure or on the premises are permitted, except for signs on buildings during their construction period. This prohibition includes banners, pennants and similar devices.

8. ~~8.~~No sign or device shall be illuminated so as to constitute a hazard to safety or health, or to distract motorists on public highways, or so as to affect adversely neighboring property or the occupants thereof.

9. ~~9.~~Flashing, blinking, scripting or noise emitting signs are prohibited in all zoning districts~~.~~.

10. ~~10.~~Any signs or advertising devices existing at the time this chapter becomes effective and not conforming to the provisions thereof shall be removed or made to conform within six (6) months of the date that this chapter becomes effective~~.11~~.

11. No permanent or temporary sign shall be placed in a public highway right-of-way or on public property without written authorization from the permitting agency or entity responsible for operation and maintenance of the public property or right-of-way.

§ 100-85 ~~§ 100-79~~ Home ~~occupations.A~~Occupations.

A. Home occupations are permitted only in those districts as specified in this chapter and shall conform to the following conditions:

1. ~~1.~~Such home occupation is customarily carried on in a dwelling unit; and

2. ~~2.~~Such home occupation is carried on by a member of the family residing in the dwelling unit; and

3. ~~3.~~Such home occupation conforms to the following additional conditions:

a. ~~a.~~The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

b. ~~b.~~Home occupations in accessory structures shall not exceed 30% of the floor area of the principal residential structure~~.c~~.

c. There shall be no exterior display or exterior sign larger than six (6) square feet, no exterior storage or materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

d. ~~d.~~No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced~~.B~~.

B. In particular, a home occupation includes but is not limited to the following: dressmaking, laundering, home cooking, teaching (musical or art instruction limited to no more than six pupils per day), antique shops, barbershops, beauty parlors, bed-and-breakfast establishments and the skilled practice by an accountant, architect, artist, dentist, doctor, engineer, insurance agent, lawyer, musician, realtor or member of any other profession within a dwelling occupied by the same. However, a home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants and tearooms, musical instruction to groups, dancing instruction, tourist homes, convalescent homes, mortuary establishments and other trades and businesses of a similar nature. If any home occupation use is discontinued for one (1) continuous year, a new application to resume the use must be made. In any event, the home accommodating the home occupation use must be occupied by the fee owner and must not be leased or rented to another.

~~§ 100-80 Solar access.~~

§ 100-86 Solar Law.

A. ~~Pursuant to Chapter 742 of the Laws of 1979, the siting of houses to take best advantage of solar energy and/or the construction of residential solar equipment shall be considered in the application of the provisions of this chapter. Upon appeal pursuant to § 100-64 of this chapter, the Zoning Board of Appeals shall consider the specific conditions of the case and may make provisions~~ Authority. This Solar Energy Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and, in accordance with the Town Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of ~~solar energy systems~~ Solar Energy Systems and equipment and access to sunlight necessary ~~therefore.~~therefor."

B. Purpose. This Solar Energy Law is adopted with the following objectives:

1. To take advantage of a safe, abundant, renewable, and non-polluting energy resource;

2. To promote effective and efficient use of solar energy systems;

3. To promote the location of solar energy systems within active farming and agricultural lands in a manner that preserves the rural character of the Town of Aurelius;

4. To enhance the agricultural viability of the Town by preserving productive agricultural land resources by mitigating the impacts of solar energy systems on environmental resources such as prime farmlands, prime soils (including USDA prime soils), prime soil lands, farmland of statewide importance, other important agricultural lands, forests, wildlife, and other protected resources;

5. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;

6. To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources;

7. To establish provisions for the placement, design, construction, operation and removal of such solar energy systems;

8. To regulate the physical characteristics of any solar energy system in order to mitigate potential impacts to Town residents.

C. Definitions. The defined terms below shall apply to this § 100-80 Solar Law.

1. Applicant. The person or entity filing an application under this Solar Law.

2. Building Integrated Solar Energy System. A photovoltaic generating component which forms an integral and essential part of a permanent building structure producing power directly for the on-site end users (such as individual residential dwellings or businesses).

3. Commercial Solar Project. Any solar energy product, including Community Solar Energy Systems, Large Scale Solar Energy Systems, or Utility Scale Solar Energy Systems, where the entity constructing or operating the solar energy project is producing electric power primarily to off-site end users intended to generate profit.

4. Community Solar Energy System. A Commercial Solar Project which has a Nameplate Capacity of not more than 5 MW.

5. Ground Mounted Solar Energy System. A photovoltaic generating system which is secured to the ground via a pole, ballast system, or other mounting system; is detached from any other structure; and which generates electricity for onsite or offsite consumption.

6. Kilowatt (kW). A unit of power equal to 1,000 watts which is often used to describe the Nameplate Capacity of residential or commercial solar energy systems.

7. Large Scale Solar Energy System. A Commercial Solar Project which has a Nameplate Capacity of more than 5MW but less than 25 MW.

8. Megawatt (MW). A unit of power equal to 1,000 kW which is often used to describe the Nameplate Capacity of larger scale solar energy systems.

9. Nameplate Capacity. A solar energy system's maximum electric power output under optimal operating conditions.

10. Rooftop Mounted Solar Energy System. A photovoltaic generating system which includes solar panels mounted on the rooftop of a permanent building structure.

11. Utility Scale Solar Energy System. A Commercial Solar Project which has a Nameplate Capacity of more than 25 MW.

D. Building Integrated Solar Energy Systems.

1. Districts Where Allowed. Building-integrated solar energy systems shall be permitted in all zoning districts within the Town, subject to the submission of, application for, and review and issuance of an applicable building permit.

2. Building-integrated solar energy systems shall be subject to the general requirements set forth at § 100-80(G).

E. Rooftop Mounted Solar Energy Systems.

1. Districts Where Allowed. Rooftop-mounted solar energy systems shall be permitted in all zoning districts within the Town, subject to the following requirements:

a. A building permit shall be required for installation of all Rooftop Mounted Solar Energy Systems.

b. Rooftop-Mounted Solar Energy Systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the system is located and shall specifically prohibit solar racking systems extending from the roof surface more than 12 inches when measured from average grade of roof surface at maximum height.

c. In order to ensure firefighter and other emergency responder safety, there shall be a perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop-mounted solar energy systems. Additionally, installations shall provide for adequate access and spacing in order to:

i. Ensure access to the roof.

ii. Provide pathways to specific areas of the roof.

iii. Provide for smoke ventilation opportunity areas.

iv. Provide for emergency egress from the roof.

v. Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to: (AA) Unique site-specific limitations; (BB) Alternative access opportunities (such as from adjoining roofs); (CC) Ground level access to the roof area in question; (DD) Other adequate ventilation opportunities when approved by the CEO; (EE) Adequate ventilation opportunities afforded by panels set back from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment); (FF) Automatic ventilation devices; or (GG) New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

vi. In the event of any of the standards in § 100-80(E)(1)(c) are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only, and the standards of the Code shall apply.

2. Rooftop Mounted Solar Energy Systems shall be subject to the general requirements set for the at § 100-80(G).

F. Ground Mounted Solar Energy Systems.

1. Districts Where Allowed. Ground Mounted Solar Energy Systems are permitted as accessory structures in Agricultural District (A), Agricultural Residential District (AR), Residential District (R), Commercial District (C), Industrial District (I), and Planned Development District (PDD or PUD) subject to the following requirements:

a. A building permit and site plan approval shall be required for installation of all ground-mounted solar energy systems.

b. Notwithstanding any other provision of this chapter, Ground-Mounted Solar Energy Systems are prohibited in all front yards and all lake abutting yards (front or rear yards with physically adjacent lake frontage but not including side yards). In cases of side yard placement, the Application shall demonstrate mitigation of any visual impacts of such placement to address the surrounding vantage points.

c. Ground-Mounted Solar Energy Systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the ground-mounted solar energy system is constructed.

d. Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Planning Board in addition to those set forth in § 100-80(F)(1)(c) above, in order to protect the public's safety, health and welfare.

e. The height of the solar collector/panel and any mounts shall not exceed 20 feet when oriented at maximum tilt measured from the ground (average grade) and including any base.

f. As part of the site plan approval, a ground-mounted solar energy system shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.

g. Neither the Ground-Mounted Solar Energy System nor any component thereof shall be sited within any required buffer area.

h. The total surface area of all Ground-Mounted Solar Energy System components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages.

i. The area beneath the ground-mounted solar energy system shall not be included as impervious surface coverage in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable zoning district.

j. The criteria for site plans as set forth in Article XVII shall be demonstrated for each application.

2. Districts Where Prohibited. Commercial Solar Projects shall be prohibited in the following zoning districts: Rural Hamlet District (RH), Highway Overlay District (H-O), Land Conservation Overlay District (C-O), River Road Residential District (RR).

G. General Requirements for all Solar Energy Systems.

1. All solar energy system installations shall be performed by a qualified solar installer.

2. Solar energy systems, unless part of a Commercial Solar Project, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute. However, solar energy system applications in a residential setting and serving a residential use on a single parcel or lot shall be limited to 25 kW or 110% of energy consumed on the site in the prior 12 months. Solar energy system applications serving an associated commercial or industrial use shall be limited to no more than 110% of the energy consumed on the site in the prior 12 months unless the Application can demonstrate a need to exceed the threshold.

3. Prior to operation, all electrical connections must be inspected by the CEO and by an appropriate electrical inspection person or agency, as determined by the CEO.

4. Any connection to the public utility grid must be inspected by the appropriate public utility, and proof of inspection must be provided to the CEO.

5. Solar energy systems must be maintained in good working order at all times.

6. Solar energy systems shall be permitted only if the Town is able to determine that such solar energy system does not present any unreasonable safety risks.

7. All solar energy systems described in this article shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this article, the provisions of the New York State Uniform Fire Prevention and Building Code shall control.

8. The application for any solar energy system shall specifically recite the use or nonuse of solar storage batteries, their placement, capacity, and compliance with all existing New York State and federal rules and regulations. If solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

9. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit.

10. To the extent practicable, solar energy systems shall have neutral, nonreflective paint colors, materials and textures to achieve visual harmony with the surrounding area.

11. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings. All panels and supporting structures shall utilize materials and colors that are nonreflective in nature.

12. Prior to the time of the issuance of a solar building or construction permit, the Application/owner shall demonstrate to the Code Enforcement Officer a reliable and safe master method for the deenergizing of the solar energy system in the event of an emergency.

13. Maintenance and Inspections. The land, structures, and equipment associated with all Solar Energy Systems shall be maintained in good condition in accordance with all requirements of this section. Upon reasonable notice to the owner, the CEO shall have the right at any reasonable time to enter the premises on which a Solar Energy System is constructed to inspect all parts of the installation and require that repairs or alterations be made if in his/her judgment there may be a deficiency in the operation or the structural stability of the system. If necessary, the CEO may order the system to be secured or to cease operation. If the Code Enforcement Officer has reason to believe that an emergency situation involving danger to life or property exists, the CEO may enter the premises for purposes of inspecting the system without notifying the owner in advance and order immediate correction.

H. Commercial Solar Projects.

1. Districts Where Allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, Commercial Solar Projects shall be a permitted use in zoning districts: Agricultural District (A), Agricultural Residential District (AR), Residential District (R), Commercial District (C), Industrial District (I), and Planned Development District (PDD or PUD) within the Town.

2. Districts Where Prohibited. Commercial Solar Projects shall be prohibited in the following zoning districts: Rural Hamlet District (RH), Highway Overlay District (H-O), Land Conservation Overlay District (C-O), River Road Residential District (RR).

3. Lot Area, Yard and Other Regulations. The following lot area, yard regulations and siting criteria shall apply to Commercial Solar Projects located in the Agricultural District (A), Agricultural Residential District (AR), Residential District (R) within the Town.

a. Minimum lot area: 40 acres

b. Minimum front yard setback to fence: 200 feet.

c. Minimum rear yard setback to fence: 200 feet.

d. Minimum side yard setback to fence: 200 feet.

e. Commercial Solar Projects that are contiguous to wetland areas shall, at a minimum, conform to the setback requirements mandated by either the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers. Said setback(s) may be varied based upon information that may be required by the Planning Board and supported by appropriate submissions that may require a greater setback. Setbacks will be determined on a case-by-case basis and a proper record supporting any such greater setback requirement shall be established as part of the review process.

f. Commercial Solar Projects will be set back at least 1,000 feet of any lake.

g. Each Commercial Solar Project application shall demonstrate that the facility operator owns or controls sufficient land area to properly operate and maintain the facility.

h. To prevent the oversaturation of Commercial Solar Projects in one area of the Town, no Commercial Solar Project shall be approved if it is within one mile of an already approved Commercial Solar Project unless the Planning Board makes specific findings that it will not have a significant impact on the community character of the area.

i. When Application is unable to meet siting and/or mitigation requirements, each application shall formally address and assess the availability and feasible use of alternative sites if less objectionable.

4. Payment in Lieu of taxes ("PILOT") Agreement and Host Community Agreement.

a. In every instance of a Commercial Solar Project application, the Application shall be required to propose a PILOT agreement. The developer shall also comply with the notice requirements of NYS Real Property Tax Law § 487. The Application will then contact the Town's attorney to negotiate the terms of said agreement.

b. In addition to a PILOT agreement, the Application shall propose to the Town, on projects involving one megawatt and above, a host community agreement benefit package for consideration by the Town Board as part of the approval process. Once the application package materials are deemed complete and while the Planning Board is completing its reviews, the project/application shall be referred to the Town Board to decide on the completion and terms of a host community agreement. This agreement shall be in addition to a PILOT agreement.

5. Site Plan Review. The following submission requirements must be observed regarding a site plan application for a Commercial Solar Project.

a. A completed application form for the approval of a Commercial Solar Project.

b. Proof of ownership, control, or the written consent that the Application is authorized by the landowner to make such site plan application.

c. Plans and drawings of the proposed Commercial Solar Project installation signed and stamped by a professional engineer registered in New York State showing the proposed layout of the entire Commercial Solar Project along with a description of all components, whether on-site or off-site, existing vegetation and proposed clearing and grading of all sites involved, along with proposed screening and fencing. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site

plan approval and written authorization from the CEO. The plans and development plan shall be drawn in sufficient detail and shall further describe:

i. Property lines and physical dimensions of the proposed site, including contours at a minimum of five-foot intervals.

ii. Location, approximate dimensions and types of all existing structures and uses on the site.

iii. Location and elevation of the proposed Commercial Solar Project and all components thereof.

iv. Location of all existing aboveground utility lines within 1,000 linear feet of the site.

v. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Commercial Solar Project shall be buried underground and include necessary encasements in accordance with the National Electrical Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the Application demonstrating that underground transmission lines are not feasible or practical. The Application is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes, and other electrical components for the project, on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

vi. Location of all service structures proposed as part of the installation.

vii. Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material, and for screening purposes. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access.

viii. A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.

ix. A geotechnical report, which includes a soil analysis, as performed by an independent third party, and which provides measurements of soil samples for permeability, organic content, and nutrient content at the proposed installation site for use as a baseline for comparison at the end of the life of the project. The Planning Board shall require the geotech information and/or soil analysis at the commencement of the approval process and shall require an updated analysis upon decommissioning of the project, which analysis shall include a comparison of pre- and post-development soil conditions, concerning the chemical and physical properties of the soil.

x. Submission of a written operation and maintenance plan for the proposed Commercial Solar Project that include measures for maintaining safe access, operational maintenance of the Commercial Solar Project, and general property upkeep, such as mowing and trimming, and an agricultural soils preservation plan if applicable. The operation and maintenance plan shall be filed and recorded by the Application in the Cayuga County Clerk's office (indexed to the property) following approval of the site plan by the Planning Board.

d. Photographic simulations shall be included showing the proposed Commercial Solar Project, including elevation views with dimensions in accordance with the manufacturer's specifications and photos of the proposed solar energy system, solar collectors, solar panels and all other components comprising the Commercial Solar Project from all neighboring properties and from other vantage points and at selected hourly increments (including seasons) at full tilt in both directions (shadow study), all as selected by the Planning Board. Such photos will depict before-and-after simulations showing the extent of mitigation from vantage points selected by the Planning Board.

e. Documentation of access to the project site(s), including current and proposed location of all access roads, gates, parking areas, etc.

f. A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (the "SWPPP") for the site.

g. Documentation of utility notification.

h. NYS Agriculture and Markets findings and report, if applicable.

i. U.S. Army Corps of Engineers wetlands determination, if applicable.

j. Detail and specifications for all gates and/or fencing.

k. Sign-off from first responders/emergency medical service providers.

l. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

m. Artificial lighting of Commercial Solar Projects shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads.

n. Commercial Solar Projects shall be enclosed by perimeter fencing to restrict unauthorized access, with "HIGH VOLTAGE" placards affixed every 100 feet, and as otherwise approved by the Planning Board. Style and type of fence shall be approved by the Planning Board as part of the site plan. Fence height shall be established at a minimum of seven feet, subject to Planning Board approval.

o. All applications shall be accompanied by a completed Part I full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act ("SEQRA"), including a visual impact analysis. The following additional material may be required by the Planning Board:

i. A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to distances as determined by the Planning Board from the center of the project, and the base map shall be a published topographic map showing cultural features.

ii. No fewer than four color photos taken from locations, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground Commercial Solar Project components as they would appear from these locations.

p. The Application shall submit details of the proposed noise that may be generated by solar inverter fans or other Commercial Solar Project components. The Planning Board may require a noise analysis to determine potential adverse noise impacts. In no instance shall noise exceed 50 decibels as measured from the subject parcel's property line.

6. Special Use Permit Required. No Commercial Solar Project may be approved without issuance of a special use permit by the Planning Board. In addition to the criteria set forth in § 100-66(C), the following criteria are hereby established for purposes of granting a special use permit for a Commercial Solar Project under this Chapter:

a. A Commercial Solar Project shall not be installed in any location that would materially detract from or block the view(s) of all or a portion of a recognized scenic view, as viewed from any public road, right-of-way or publicly owned land within the Town or that extends beyond the border of the Town. Consideration shall be given to any relevant portions of the current, amended and/or future Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.

b. The Application shall demonstrate the existence of adequate emergency/safety measures. The Application shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the Commercial Solar Project need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

c. All Commercial Solar Projects shall be secured to restrict unauthorized access.

d. Where necessary, constructing any roadways necessary to access the Commercial Solar Project, such roadway shall be constructed in a way that allows for the passage of emergency vehicles. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Commercial Solar Project site. Access roads shall be designed to be permeable to encourage proper drainage and reduce runoff.

e. The development and operation of the Commercial Solar Project shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by federal or state regulatory agencies.

f. In reviewing the application for a special use permit, the Planning Board shall strive to permit the location of Commercial Solar Projects in such a manner so that no one area or neighborhood in the Town shall be overburdened by the placement of any proposed Commercial Solar Project(s). Screening, including plantings, berms, and other screening methods, may be required to mitigate any unavoidable impacts. Such plantings and screening shall be continuously maintained and replaced if dead, dying, or falling into disrepair.

g. The Planning Board may, in its discretion, require native ground cover, under and between the rows of solar panels, which is suitable for animal grazing and/or pasturing shall be low-maintenance, drought-resistant, non-fertilizer-dependent and shall be pollinator-friendly to provide a habitat for bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

h. The Planning Board may, in its discretion, waive one or more of the submission requirements imposed herein.

7. Public Hearing. No action shall be taken by the Planning Board to issue site plan approval or a special use permit until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town at least five days before the date set for such public hearing(s) and written notice mailed to the Application or his agent at the address given in the application to be considered. The Application shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application, as well as other property owners deemed by the Planning Board to be potentially impacted by the project, of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address.

8. Compliance with New York State Uniform Fire Prevention and Building Code.

a. Building permit applications shall be accompanied by standard drawings of structural components of the Commercial Solar Project and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

b. Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York

State registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.

9. Compliance with State, Local and National Electrical Codes.

a. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Commercial Solar Project to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electrical Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

b. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electrical Code and good engineering practices.

10. Following construction/installation of the Commercial Solar Project, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust and demonstrating established growth. Every operations and maintenance plan shall include provisions for reseeding and maintaining established growth.

11. Post-construction / Installation Certification. Following the construction / installation of the Commercial Solar Project, the Application shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.

12. Inspections. The CEO and any other employee or agent of the Town shall have the right at any reasonable time to enter, in the company of the owner or its agent, the premises on which a Commercial Solar Project is being or is constructed, to inspect all parts of said Commercial Solar Project installation and require that repairs or alterations be made if, in their judgment, there exists a deficiency in the operation or the structural stability of the Commercial Solar Project or any component thereof. If necessary, the CEO may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

13. Power to Impose Conditions. In granting any site plan approval, special use permit or variance for a Commercial Solar Project, the Planning Board may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

14. Decommissioning and Removal of Commercial Solar Project Facilities. The following shall be the minimum requirements to be addressed for the decommissioning of every Commercial Solar Project, as determined by the Planning Board and Town Attorney:

a. Removal of above-ground and below-ground equipment, structures and foundations.

b. Restoration of the surface grade and soil after removal of equipment.

c. Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

d. A time frame for the completion of site restoration work.

e. An adequate decommissioning bond or other form of security.

f. Replanting/replacement of trees destroyed or lost in the decommissioning process with a species that will be capable of reestablishment after 25 years from planting (for those trees installed by the developer).

g. Herbaceous revegetation of restored soil areas with native seed mixes, excluding any invasive species.

h. Specifically address: the useful lifespan of proposed solar facility and any storage batteries; the current New York State and federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful lifespan; together with plans for replacement of solar storage batteries.

i. When required by the approving board, removal of screening vegetation and/or plantings at the end of the useful life of the project.

j. Such decommissioning plan shall be executed by the Application and the property owner and shall be recorded against the property in the Cayuga County Clerk's office.

15. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board. It shall be the Applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application and operation of a Commercial Solar Project under this article.

16. Waiver. The Planning Board may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

§ 100-87 ~~§ 100-81.~~ Junk and ~~junkyard regulation. A~~Junkyard Regulation.

A. No junk shall be located so as to be visible from public roads. No fluids from junk shall be drained or dumped on public or private property. No junk shall be buried or burned, except in compliance with the New York State Solid Waste Disposal Law. Disposal and storage of junk shall comply with New York State and Cayuga County laws, rules and regulations.

B. ~~B.~~Junkyard ~~operation~~Operation. No junkyard shall be operated without a special permit pursuant to § 100-66(C). In addition to the requirements and procedures set forth in the said § 100-66(C), all junkyards shall be governed by the following:

1. ~~1.~~No junkyard shall be located within one hundred (100) feet of any adjoining property line; two hundred (200) feet of any public park, ~~church~~Place of Worship, educational facility, nursing home, right-of-way of any public road or public building or other place of public gathering; or two hundred (200) feet of any stream, lake, pond, wetland or other body of water~~.~~.

2. ~~2.~~There must be erected and maintained an eight-foot fence enclosing the entire junkyard with a locking gate. The fence must be adequate to prevent the entrance of children and others into the area, to screen the yard from view from the street or adjoining property and to contain the junk safely within. Fencing shall be installed with the finished face directed toward the adjoining property or to any right of way or easement adjoining the Junkyard parcel ~~(s)3~~(s).

3. The aforesaid requirements are in addition to the requirements of General Municipal Law § 239 or any recodification thereof.

§ 100-88 ~~§ 100-82.~~ Access.

No building permit shall be granted with respect to a parcel with limited access, except pursuant to the procedures set forth in Town Law § 280-a or any recodified or renumbered provision thereof. This provision shall be deemed to refer to any amendments to the said statute, and, accordingly, the text of the statute at the time the building permit application is made will control.

§ 100-89 Bed-and-Breakfast Regulations.

~~**§ 100-83. Bed-and-breakfast regulations.**~~

In addition to the other regulations and procedures applicable to home occupation uses, applicants for bed-and-breakfast establishment approval must comply with the following:

A. ~~A.~~Detailed plans of the structure and layout of the residence must be submitted, together with a written statement from the CEO~~/ZEO~~ as to safety, fire protection and structural soundness, with recommendations, if any, for improvements or changes deemed advisable.

B. ~~B.~~The applicant must demonstrate compliance with all applicable regulations, including the Building Code of New York State.

C. ~~C.~~Bedrooms and bathrooms of the dwelling used for paying guest accommodations shall not exceed ~~⅓ of~~ ⅓ of the habitable floor area of the dwelling, and no more than four rooms shall be used as bedrooms for paying guests~~.D~~.

D. No more than eight guests per night (two guests per room maximum) shall be permitted, but the Planning Board may fix a lower maximum if appropriate. No guest shall stay on any one visit more than 15 days.

E. ~~E.~~There must be at least one off-street parking space per paying room~~.F~~.

F. No apartments or rental units shall be permitted beyond the residents' living quarters and the bed-and-breakfast rooms.

G. ~~G.~~Only one daily morning meal per paying guest shall be served~~.H~~.

H. A lighted sign, maximum six feet square, shall be permitted. Neon or flashing signs are not to be permitted.

I. ~~I.~~Upon a change of ownership, the new owner must reapply to the Planning Board for a renewal of the permit.

§ 100-90 ~~§ 100-84~~ Swimming ~~pools. A~~Pools.

A. Swimming pools as defined in the Building Code of New York State shall be enclosed by a fence or other barrier to access by children and shall also, in addition, comply with the pertinent provisions of the Building Code of New York State.

B. ~~B.~~This provision concerning swimming pools applies to all such pools, whether built before or after the enactment of this provision.

§ 100-91 Reimbursement of Professional Service Fees.

~~ARTICLE XXI~~
~~Towers and Telecommunications Facilities~~

A. ~~§ 100-85~~ Authority. This provision is enacted pursuant to the provisions of the New York Municipal Home Rule Law.

B. Purpose. It is the purpose and intent of this local law to promote and protect the health, safety and welfare of the residents of and visitors to the Town; to preserve, protect and enhance the environment and aesthetic assets of the Town, including the environmentally sensitive areas within the boundaries of the Town; and to safeguard the value of public and private property with the Town by authorizing the Town to provide for a system whereby applicants, appellants and other parties seeking the assistance or review of the Town Board, Town Planning Board, and/or Town Zoning Board of Appeals fully reimburse the Town for professional services fees in connection with such matters.

C. Background & Policy. The Town Board, Planning Board, and Zoning Board of Appeals are legally required to review applications, appeals and requests for assistance from time

to time on matters or concerns which may be presented to any or all of the boards. In furtherance of performing their duties in addressing such matters it may become necessary to refer certain matters to professional consultants for review, study, assistance and direction. Being cognizant that many matters submitted to the Town's various boards do not benefit the citizens of the Town as a whole and often benefit a single party, or a very limited class of citizens, the Town has determined that it is just and equitable for applicants, appellants and other parties seeking the assistance of the municipal boards to reimburse the Town for costs incurred relating to matters reviewed by its boards.

D. Professional & Consulting Fees.

1. The Town Board, the Town Planning Board, or the Town Zoning Board of Appeals, in the review of any application, appeal or other matter pending before said reviewing board, may refer such application, appeal or matter to such engineering, planning, legal, technical or environmental consultant, or other professional(s) employed or engaged by the Town, as such reviewing board shall deem reasonably necessary to enable it to competently review the same as required by law.

2. The applicant, appellant or other party seeking relief, or a determination, as the case may be, shall reimburse the Town of Aurelius for the cost(s) of such consultant and/or professional services.

3. Charges made by such consultants shall be in accordance with charges typically assessed for such services in the Finger Lakes Region of New York State or pursuant to an existing contractual agreement between the Town and such consultant.

4. At such time as the application, appeal or other matter to be reviewed is approved, denied or completed by the board having jurisdiction, the Town Clerk shall refund to the applicant/appellant the escrow deposit required pursuant to Section 5 below, less any sums expended by the Town to engage services of professionals, including, but not limited to, attorneys and/or engineers, in order to provide assistance to said board relating to said application, appeal or other matter. A copy of the computation of said sums so expended shall be provided to the applicant/appellant at the time that the Town Clerk shall calculate the refund, if any, due the applicant/appellant hereunder.

5. In the event that an application, appeal or other matter is required to be reviewed by more than one board, then, in such event and to the extent practicable, both boards shall use the same consultant, who shall, in such case, to the extent practicable, prepare one (1) report providing data, information and recommendations requested. In all instances, duplications of consultants' reports or services shall be sought to be avoided wherever practicable in order to minimize the cost of such consultants' reports or services to the applicant/appellant. The above fees are in addition to any and all other fees required by any other law, rule or regulation.

E. Escrow Accounts.

1. At the time of submission of any application, appeal or matter to be reviewed, or thereafter, an escrow account shall be established, from which withdrawals shall be made to reimburse the Town for the costs of professional services. The applicant shall then

provide funds to the Town for deposit into such account in an amount to be determined by the reviewing board with the advice and recommendation of the respective professional party engaged by the Town of Aurelius based on the said professional's evaluations of the nature and complexity of the application.

2. The applicant/appellant shall be provided with copies of any voucher for such services as they are submitted to the Town, except for any privileged portions of legal billings. The applicant/appellant shall be provided with an accounting of the reimbursements made from the escrow account to the Town upon applicant/appellant's request.

3. Any professional engaged by the Town shall report monthly to the Town Clerk the monetary value of their services rendered on each project.

4. When the balance in such escrow account is reduced to one-third (1/3) of its initial amount, the Town Clerk shall advise the applicant/appellant and the applicant/appellant shall deposit additional funds with the Town Clerk to bring the balance of such escrow account up to the amount of the initial deposit. If such account is not replenished within thirty (30) days after the applicant/appellant is notified in writing of the requirement for such additional deposit, the reviewing board may suspend its review of the application, appeal or matter under review. An application, appeal or matter under review shall be deemed incomplete if any amount shall be outstanding.

5. A building permit, other permit, or approval by the respective board being sought shall not be issued unless all professional review fees charged in connection with the applicant/appellant's project have been reimbursed to the Town from said escrow account.

6. All fees required pursuant to this section shall be collected by the Town Clerk.

7. This section shall be applicable to applications and appeals of matters under review pending at the time it shall become effective, unless the reviewing board shall determine that its application would be impracticable, unfair or unjust in the particular circumstances. Where this section shall be applicable to a pending application, appeal or matter of review, it shall, in such event, require an applicant/appellant only to pay for professional fees for the services rendered after it shall have become effective. Where this section shall be applicable to an appeal, the board responsible for the review of same may waive the requirement for an escrow account and may establish reasoned reimbursement criteria in light of the nature, complexity and time expenditures of consultants inherent in undertaking a complete and proper review of the appeal.

F. Record Keeping. The Town Clerk shall keep records of all escrow deposits and associated reimbursements made to the Town.

ARTICLE XXV

TOWERS AND TELECOMMUNICATIONS FACILITIES

§ 100-92 Authority.

The Planning Board of the Town of Aurelius is hereby authorized to: 1) review then recommend for approval, 2) with modifications, or 3) recommend approval to the Town Board. Planning Board may recommend consideration for special use permits and site plans for towers consistent with Article 16 of the Town Law of the State of New York, § 274-a and 274-b. All cellular towers, windmills and accessory facilities must comply with Article XVI and/or the Subdivision Regulations of the Town of Aurelius, as applicable. The Zoning Board of Appeals will continue to have jurisdiction over special use permits for uses aside from telecommunication facilities.

§ 100-93 ~~§ 100-86~~ Intent.

The Town of Aurelius recognizes the increased demand for wireless communications transmitting facilities and wind generation facilities and the need for the services they provide. Often, these facilities require the construction of a tower and associated structures. The intent of this article is to regulate telecommunications and wind generation facilities (i.e., towers) in accordance with the guidelines of the Telecommunications Act of 1996 by:

A. ~~A.~~Accommodating the need for towers/antennas while regulating their location and number in the community~~.~~.

B. ~~B.~~Minimizing adverse visual impacts of these towers while regulating their location and number in the community~~.~~.

C. ~~C.~~Preserving and enhancing the positive aesthetic qualities of the built and natural environment in the Town of Aurelius~~.~~.

D. ~~D.~~Avoiding potential damage to adjacent properties from tower failure, falling ice, etc., through engineering and proper siting~~.~~ ~~E~~.

E. Requiring the joint use of towers, when available, and encouraging the placement of antennas on existing structures, to reduce the number of such structures in the future. No new tower may be established if there is a technically suitable space available on an existing telecommunications tower or structure within the search area that the new cell site is to serve.

§ 100-94 ~~§ 100-87~~ General ~~criteria~~Criteria.

No special use permit or renewal thereof or modification of a current special use permit relating to a telecommunications facility shall be authorized by the Planning Board unless it finds that such telecommunications facility:

A. ~~A.~~Is necessary to meet current or expected demands for service;

B. ~~B.~~Conforms to all applicable regulations promulgated by the Federal Communications Commission, the Federal Aviation Administration and other federal agencies;

C. ~~C.~~Is considered a public utility in the State of New York;

D. ~~D.~~Is designed and constructed in a manner which minimizes visual impact to the extent practical;

E. ~~E.~~Complies with all other requirements of this chapter, unless expressly superseded herein;

F. ~~F.~~Is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility;

G. ~~G.~~When including the construction of a tower, such tower is designed to accommodate future shared use by at least one other telecommunications service provider. Any subsequent location of telecommunications equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower. However, the additional equipment will require Town staff review~~.~~; and

H. ~~H.~~A building permit is required for all new and collocated towers and structures in the Town of Aurelius.

§ 100-95 ~~§ 100-88~~ Approvals and ~~bulk requirements~~Bulk Requirements.

A. ~~A~~Collocated/Existing Structure Antennas. ~~Collocated/existing structure antennas.~~ An antenna that is to be attached to an existing communications tower, ~~smoke stack~~smokestack, water tower or other structure is permitted in all zoning districts. However, all free~~-~~-standing towers (No collocated/new structure antennas), individual or in groups shall be located in preferred zoning districts. The antenna is permitted upon issuance of a building permit. The building permit application will include a structural analysis/report verifying the ability of the structure to handle the antenna. The height of the new antenna shall not extend above the height of the existing structure by more than 50 feet.

B. ~~B~~No Collocated/New Structure Antennas. ~~No collocated/new structure antennas.~~ An antenna that will not be mounted on an existing structure, as defined above, or is more than 50 feet higher than the existing structure on which it is mounted is permitted as follows:

1. ~~1.~~In all zoning districts a tower special use permit, per § 100-88 and 100-89~~ and 100-90~~, and site plan review as set forth in Article ~~XVI~~ XVII of the Town Zoning Law~~.2~~.

2. In addition to a State Environmental Quality Review Act (SEQRA) full Environmental Assessment Form (EAF), the Planning Board may require a visual assessment form (visual EAF/SEQRA form) as an addendum to the full EAF for telecommunications facilities proposed at key viewpoints in the community. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF.

3. ~~3.~~The tower must be set back a minimum of the height of the tower plus an additional fifty (50) feet from all property lines and any existing building~~.4~~.

4. The maximum height of a tower in all zoning districts is 195 feet. An area variance for height will be required from the Zoning Board of Appeals to exceed this height, following initial approval by the Planning Board.

5. ~~5.~~Towers shall have free access for maintenance purposes.

§ 100-96 Tower Special Use Permit Application Requirements and Materials.

~~**§ 100-89 Tower special use permit application requirements and materials.**~~

All applicants for a tower special use permit shall make written application to the Planning Board. This application shall include:

~~A. Town-supplied permit application form.~~

A. ~~B~~Town-Supplied Permit Application Form.

B. Proof of notification (certified mail return receipts to be given to the Town by the applicant) of all property owners within 500 feet of the boundaries of the property on which the tower is to be constructed.

C. ~~C.~~Appropriate fee. (See the Town fee schedule in § 100-94.)

D. ~~D.~~Site plan application forms, including long-form EAF~~.~~.

E. ~~E.~~Site plan, in form and content acceptable to the Town according to Article ~~XVI~~ XVII of the Town Zoning Law, prepared to scale and in sufficient detail and accuracy, showing at a minimum:

1. ~~1.~~The exact location of the proposed tower, together with guy wires and guy anchors, if applicable.

2. ~~2.~~The maximum height of the proposed tower~~.3~~.

3. A detail of tower type (monopole, guyed, freestanding or other).

4. ~~4.~~The color or colors of the tower~~.~~.

5. ~~5.~~The location, type and intensity of any lighting on the tower~~.6~~.

6. The property boundaries. (A copy of a property survey, including metes and bounds description, must also be provided.)

7. ~~7.~~Proof of the landowner's consent if the applicant will not own the property. (A copy of a lease agreement must also be provided if the applicant will not own the property.)

8. ~~8.~~The location of all structures on the property and all structures on any adjacent property within 50 feet of the property lines, together with the distance of these structures from the tower.

9. ~~9.~~The names of adjacent landowners~~.10~~.

10. The location, nature and extent of any proposed fencing and landscaping or screening.

11. ~~11.~~The location and nature of proposed utility easements and access road, if applicable.

12. ~~12.~~Building elevations of accessory structures or immediately adjacent buildings~~.~~.

13. ~~13.~~An Agricultural Data Statement if located within 500' of an agricultural taxing district~~.~~.

F. ~~F.~~"Before" and "after" propagation studies prepared by a qualified radio frequency engineer (signed and sealed by a professional engineer registered in the State of New York), demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed telecommunications facility~~.G~~.

G. A search ring prepared by a qualified radio frequency engineer (signed and sealed documents by a professional engineer registered in the State of New York) and overlaid on an appropriate background map demonstrating the area within which the telecommunications facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the Planning Board why it selected the proposed site, discuss the availability or lack of availability of a suitable structure within the search ring which would have allowed for a collocated antenna(s), and to what extent the applicant explored locating the proposed tower in a more intensive use district. Correspondence with other telecommunications companies concerning collocation is part of this requirement.

H. ~~H.~~The Planning Board, upon reviewing the application, may request reasonable additional visual and aesthetic information as it deems appropriate on a case-by-case basis. Such additional information may include, among other things, enhanced landscaping plans, line-of-sight drawings and/or visual simulations from viewpoints selected by the Planning Board. Line-of-sight drawings and visual simulations are mandatory for applications in residential and agricultural zoning districts.

§ 100-97 Tower Special Use Permit Standards.

~~**§ 100-90 Tower special use permit standards.**~~

The following criteria will be considered by the Planning Board prior to the approval/denial of a request for a tower special use permit; the criteria listed may be used as a basis to impose reasonable conditions on the applicant:

A. ~~A.~~Siting ~~preferences.1~~Preferences.

1. The Planning Board may require that the proposed telecommunications facility be located in an alternate technologically feasible and available location. A guideline for the town's preference, from most favorable to least favorable districts/property, is as follows:

a. ~~a.~~Property with an existing structure suitable for collocation.

b. ~~b.~~(I) Districts.

c. ~~c.~~(C) Districts.

d. ~~d.~~(PDD) Planned Development Districts.

e. ~~e.~~(A) Agricultural Districts.

f. ~~g.~~(AR) Agricultural/Residential Districts.

g. ~~i.~~(TB) Entertain a Cell.

In no case shall the tower be located in a residential district~~.B~~.

B. Aesthetics. Telecommunications facilities shall be located and buffered to the maximum extent which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse effect on neighboring residences to the extent possible, the Planning Board may impose reasonable conditions on the applicant, including the following:

1. ~~1.~~The Planning Board may require a monopole or guyed tower (if sufficient land is available to the applicant) instead of a freestanding tower. Monopoles are a preferred design~~.~~.

2. ~~2.~~The Planning Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and/or to screen the tower to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum ~~extend~~ extent possible~~.~~.

3. ~~3.~~The Planning Board can request additional site plan requirements such as specially designed towers, additional screening, greater setbacks and improved landscaping to address aesthetic concerns~~.~~.

4. ~~4.~~The Planning Board may require the applicant to show that he has made good-faith efforts to collocate on existing towers or other available and appropriate structures and/or to construct new towers near existing towers in an effort to consolidate visual disturbances~~.5~~.

5. Towers should be designed and sited as to avoid, whenever possible, application of FAA lighting and painting requirements. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Towers shall be of a

nonreflective finish, the color of which shall be subject to approval. Any lights which may be required by the FAA shall not consist of strobe lights, unless specifically mandated by the FAA.

6. ~~6.~~No tower shall contain any signs or advertising devices. A small sign on the fencing shall be plated to identify the ownership of the facility and a telephone number for emergencies.

7. ~~7.~~The applicant must submit a copy of its policy regarding collocation with other potential future applicants on the proposed tower. Such policy must allow collocation.

C. ~~C~~Radio-Frequency Effect. ~~Radio-frequency effect.~~ The Planning Board may impose a condition on the applicant that the communications antennas be operated only at Federal Communications Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency (EPA) technical exposure limits, and that the applicant provide competent documentation to support that maximum allowable frequencies, power levels and exposure limits for radiation will not be exceeded.

D. ~~D.~~Traffic, ~~access~~ Access and ~~safety.1~~Safety.

1. A road turnaround and one parking space shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. The use of public roadways or road rights-of-way for the siting of a tower's or antenna's accessory structures is prohibited.

2. ~~2.~~All towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight feet in height or otherwise sufficiently protected from trespassing or vandalism.

3. ~~3.~~The applicant must comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulations~~.E~~.

E. Removal of tower. The applicant shall agree to remove the tower if the telecommunications facility becomes obsolete or ceases to be used for its intended purpose for 12 consecutive months. The Planning Board shall require the applicant to provide a demolition bond (in an amount determined by the Planning Board based on the cost of removal) for purposes of removing the telecommunications facility in case the applicant fails to do so as required above. The applicant shall submit estimated costs for removal to the Planning Board.

F. ~~F.~~Structural safety. During the application process and every three years after construction of the tower, the applicant/owner shall provide to the ~~Codes~~ Code Enforcement Officer a certification from a qualified, professional engineer, certifying that the tower meets applicable structural safety standards.

G. ~~G.~~Maintenance of telecommunications facility. All telecommunications facilities shall be maintained in good order and repair.

§ 100-98 ~~§ 100-91~~ Exemptions~~.A~~.

A. Exemptions shall be as follows:

1. ~~1.~~Antennas used solely for residential household television and radio reception~~.2~~.

2. Satellite antennas measuring two meters or less in diameter and located in commercial districts and satellite antennas one meter or less in diameter, regardless of location.

B. ~~B.~~Towers and antennas may be repaired and maintained without restriction.

§ 100-99 ~~§ 100-92~~ Application ~~procedure.~~Procedure.

A. ~~A.~~The owner/applicant shall submit to the Planning Board a completed, written application and site plan under Article ~~XVI~~XVII. The procedure will be the same as called for in those sections except it will be followed by the Planning Board as opposed to the Zoning Board of Appeals. Upon receipt of such application and site plan, the Planning Board shall conduct a two-step review process. The Planning Board shall first determine whether the applicant qualifies for a special use permit according to § 100-88 and § 100-89 ~~and § 100-90~~ of this article. Then, the Planning Board shall conduct site plan review in accordance with Article ~~XVI~~ XVII of the Town Zoning Law~~.~~.

B. ~~B.~~Any application requiring a tower special use permit and any other approvals from another board (i.e., Zoning Board of Appeals) must receive Planning Board approval prior to any action by any other boards~~.C~~.

C. The Planning Board, in determining whether to issue a tower special use permit, shall follow the procedure set forth in Town Law § 274-b, entitled "Approval of Special Use Permits." In the event such statutory provisions are renumbered or recodified, the renumbered or recodified provisions shall apply and are incorporated herein by reference. In particular, the Planning Board shall conduct a public hearing within 62 days from the date an application is received, with notice of said hearing to be printed in a newspaper of general circulation in the Town at least five days prior to the date thereof. The Planning board shall render its decision to issue the special use permit within 62 days after the hearing as now provided in Town Law § 274-b(6). The Planning Board shall also comply with the notice requirements to the County Planning Board and other bodies as well as compliance with State Environmental Quality Review Act, all as provided in Subdivisions (7) and (8) of the aforesaid Town Law § 274-b.

D. ~~D.~~If the Planning Board approves a special use permit, the Planning Board shall then conduct site plan review. Site plan review shall be conducted in accordance with the procedures set forth in Article ~~XVI~~ XVII of the Town of Aurelius Zoning Law~~.E~~.

E. The approval of the Planning Board shall be contingent on the receipt by the Town Board of a bond for the demolition of the telecommunications tower within five business days, and said bond shall be subject to the approval of the Planning Board and the Town Attorney.

F. ~~F.~~Any materials (i.e., proof of continued use of the tower) to be filed by the owner/applicant or any subsequent owner/operator of the communications tower shall be filed with the Codes Enforcement Office of the Town of Aurelius on a yearly basis.

G. ~~G.~~The Planning Board may waive or vary any requirements in this article for good cause shown~~.H~~.

H. This article is meant to control towers and similar facilities in the Town. Unless specifically referenced in this article, other sections of the Zoning Law are intended to be inapplicable (such as height limitations normally required in the relevant zoning district).

§ 100-100 ~~§ 100-93~~ Revocation of ~~permit~~Permit; ~~removal of towers in violation~~Removal of Towers in Violation.

Any facility receiving a tower special use permit that subsequently does not meet the requirements of that permit shall have its permit revoked, and the tower shall be removed within 90 days of notification by the Town.

§ 100-101 ~~§ 100-94~~ Telecommunications ~~facilities fee schedule~~Facilities Fee Schedule.

Telecommunications facilities fees shall be as follows:

A. ~~A.~~Tower special use permit: $2,500 application fee (includes site plan fee); plus any additional costs for outside consultants incurred by the Town for review of propagation studies, search ring and analysis, collocation possibilities, or the structural planned specification for the construction of the tower, or any other review deemed necessary by Town officials.

B. ~~B.~~Building permit fee: $250 base fee (examination of plans and review); plus $10 per $1,000 of value of total verified construction cost.

§ 100-102 ~~§ 100-95~~ History of Amendments.

Commented [JJ1]: Does this need its own article?

Table of Zoning Map Amendments			
Ord. No.	**Adoption Date**	**District Change**	**Description**
–	1993		Adoption of Zoning Law
–	2004		Amendment to Site Plan Review Procedures
–	2008		Adoption of Subdivision regulations
–	2008		Repeal of 1993 Zoning Law and Map
–	2008		Adoption of New Zoning Law and Map

Table of Zoning Map Amendments			
Ord. No.	**Adoption Date**	**District Change**	**Description**