

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

MAR 31 2006

~~XXXXX~~

~~XXX~~ of CLAY

Town

~~XXXXX~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 3 of the year 2006

A local law to clarify Chapter 230 entitled "ZONING", dated June 5th, 2005, by inserting items from the previous ZONING ^(insert title) ORDINANCE OF 1978, and updates thereto that were erroneously omitted.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXX~~

~~XXX~~ of

Town

~~XXXXX~~

Clay as follows:

Said Local Law No. 3 of the Year 2006 to read as follows: (See Attached)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 06 of the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the Town Board on March 20th 2006, in accordance with the applicable provisions of law.
(Name of Legislative body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20_____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20_____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

LOCAL LAW NO. 3 OF THE YEAR 2006

TOWN OF CLAY

LOCAL LAW NO. 3 OF THE YEAR 2006 amending CHAPTER 230 entitled "ZONING" OF THE CODE OF THE TOWN OF CLAY

BE IT ENACTED by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. AN AMENDMENT TO THE CODE OF THE TOWN OF CLAY."

Amendment of Chapter 230 entitled "ZONING", '§ 230-11. Terms defined.', by adding new Paragraphs "A." "B." & "C." and the term, "**BUILDING, HEIGHT OF**", deleting from the term "**YARD, SIDE**" the words "**and parked vehicles**" after "...fencing" and adding thereto the words "**, eaves, cornices, and similar portions of the principal structure.**" to such term; § 230-13. "**Residential districts.**", paragraph "**B. R-40 One-Family Residential District (formerly R-1B)**", subdivision "**(4) R-40 Residential lot and structure dimensional requirements**", paragraph "**(c) Accessory structures, detached**", subparagraph [2], deleting the words "**15% lot width.**" and replace with "**.. 15 feet.**"; subparagraph "[3]" deleting "**30 feet**" and replace with "**15 feet.**"; § 230-13., paragraph "**B. R-40 One-Family Residential District (formerly R-1B)**", subdivision "**(5) R-40 Nonresidential lot and structure dimensional requirements**", paragraph "**(a) Lot**", subparagraph [1] delete the words "**..based on design, parking, yards. etc.**" and replace with "**80,000 square feet.**"; § 230-16. "**Commercial districts. A. NC-1 Neighborhood Commercial District (based on C-2)**", subdivision "**(2) Uses allowed:** (b) Planning Board site plan approval:", add "**[7] Day care center**". § 230-16. "**Commercial District (based on C-2), B. HC-1 Highway Commercial (based on C-2)**", subdivision "**(2) Uses allowed:** (b) Planning Board site plan approval:", add "**[10] Day care center**"; § 230-16. "**Commercial districts. C. RC-1 Regional Commercial (based on C-3,-5,-7 and -10)**", subdivision "**(2) Uses allowed:** (b) Planning Board site plan approval:", add "**[15] Day care center**". "**Article IV, Supplemental Regulations**", § 230-20. "**Land uses and structures. B. Structures**", (2) delete the words "**Other yard/setback exemptions. (Reserved)**" and add "**Fences.**" and new subdivisions "**(a), (b), (c), (d) and (e)**", (3) delete the words "**Height exemption. (Reserved)**" and replace with paragraph entitled "**Swimming Pools and Hot Tubs;..... with the following provisions:**" and subdivisions "**(a) Map or Survey.... (b) Lighting.... (c)Overhead Wires..... (d) Perimeter..... and (e) Disposal of Waste Water..... (f) Filling..... (g) Existing Pools..... (h) Abandonment.....**" and delete paragraph "**D. Miscellaneous activity. (Reserved).**" of the Code of the Town of Clay. § 230-21 "**Parking and loading. E. Required parking and loading spaces, Group Name**", "omit the hyphen in the words "**Managed living facility, health related, Hotel, motel type use**" and under Minimum Required Parking Spaces change 2/unit to 1.5 for Residential 4 or more units/lots.

The purpose of Local Law No. 3 of the Year 2006 is to clarify Chapter 230 entitled "Zoning", dated June 5th, 2005 by inserting items from the previous Zoning Ordinance of 1978, and updated thereto that were erroneously omitted. Said proposed Local Law amendment is to read as follows:

**ARTICLE II
Definitions****A. § 230-11 Terms defined.**

Generally. Except as otherwise indicated in this section, the words used in this chapter shall have the meaning commonly attributed to them. Doubts as to the precise meaning of any words in this Chapter shall be clarified by the Zoning Board of Appeals under its power of interpretation. Terms not defined in this chapter shall have the meanings provided in the New York State Uniform Fire Prevention and Building Code, and/or will carry their customary meanings per Webster's Dictionary.

B. Rules of interpretation. For the purpose of this chapter, certain terms or words herein shall be interpreted or defined as follows:

- (1) Words used in the present tense include the future tense.
- (2) The singular includes the plural and the plural includes the singular, unless the context indicates otherwise, and the masculine includes the feminine and neuter.
- (3) The word "person" includes an individual person, a firm, a corporation, a co partnership, and any other agency of voluntary action.
- (4) The term "shall" is always mandatory, and the term "may" is permissive.
- (5) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (6) The word "lot" includes the word "plot" or "parcel".
- (7) The word "building" or "structure" includes any part thereof.

C. As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meaning as indicated:

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.

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, eaves, cornices, and similar portions of the principal structure.

(4) R-40 Residential lot and structure dimensional requirements.

(a) Lot.

- [1] Area, minimum: 40,000 square feet.
- [2] Width, minimum: 150 feet.
- [3] Depth, minimum (feet): n/a.
- [4] Coverage, maximum (%): n/a.

(b) Principal structure and attached accessory structures.

- [1] Front yard minimum: 50 feet.
- [2] Side yard minimum:
 - [a] One side: 10% lot width.
 - [b] Total both sides: 25% lot width.
- [3] Rear yard minimum: 30 feet.
- [4] Maximum height: 30 feet.

(c) Accessory structures, detached.

- [1] Front yard minimum: existing principal structure front line.
- [2] Side yard setback: 15 feet.
- [3] Rear yard setback: 15 feet.
- [4] Maximum height: 15 feet.

(5) R-40 Nonresidential lot and structure dimensional requirements.

(a) Lot.

- [1] Area, minimum: 80,000 square feet
- [2] Width, minimum: 150 feet.
- [3] Depth, minimum (feet): n/a.
- [4] Coverage, maximum (%): n/a.

(b) Principal structure and attached accessory structures.

- [1] Front yard minimum: 50 feet.
- [2] Side yard minimum:
 - [a] One side: 15% lot width.
 - [b] Total both sides: 30% lot width.
- [3] Rear yard minimum: 30 feet.
- [4] Maximum height: 30 feet.

(c) Accessory structures, detached.

- [1] Front yard minimum: existing principal structure rear building line.
- [2] Side yard minimum: 15% lot width.
- [3] Rear yard minimum: 30 feet.
- [4] Maximum height: 15 feet.

(4) R-15 Residential lot and structure dimensional requirements.

(a) Lot.

- [1] Area, minimum: 15,000 square feet.
- [2] Width, minimum: 80 feet.
- [3] Depth, minimum (feet): n/a.
- [4] Coverage, maximum (%): n/a.

(b) Principal structure and attached accessory structures.

- [1] Front yard minimum: 25 feet.
- [2] Side yard minimum:
 - [a] One side: 10% lot width.
 - [b] Total both sides: 25% lot width.
- [3] Rear yard minimum: 10 feet.
- [4] Maximum height: 30 feet.

(c) Accessory structures, detached.

- [1] Front yard minimum: existing principal structure front line.
- [2] Side yard setback: 10% lot width.
- [3] Rear yard setback: 10 feet.
- [4] Maximum height: 12 feet.

(5) R-15 Nonresidential lot and structure dimensional requirements.

(a) Lot.

- [1] Area, minimum: based on design, parking, yards, etc.
- [2] Width, minimum: 80 feet.
- [3] Depth, minimum (feet): n/a.
- [4] Coverage, maximum (%): n/a.

(b) Principal structure and attached accessory structures.

- [1] Front yard minimum: 25 feet.
- [2] Side yard minimum:
 - [a] One side: 15% lot width.
 - [b] Total both sides: 30% lot width.
- [3] Rear yard minimum: 10 feet.
- [4] Maximum height: 30 feet.

(c) Accessory structures, detached.

- [1] Front yard minimum: existing principal structure rear building line.
- [2] Side yard minimum: 15% lot width.
- [3] Rear yard minimum: 10 feet.
- [4] Maximum height: 15 feet.

A. NC-1 Neighborhood Commercial District (based on C-2).

- (1) *Intent. It is the intent to maintain in NC-1 Districts the quality of environment that is usually found in areas of commercial use often located near residential neighborhoods. The intensity and scale of the uses, lots and structures are intended to be compatible to nearby residential areas. Compatibility of site development shall be enhanced by encouraging adequate provisions for landscaped open space, attractive architecture and other amenities.*
- (2) Uses allowed:
- (a) Office of Planning and Development issuing a building permit: (reserved)
 - (b) Planning Board site plan approval:
 - [1] Retail use (less than 5,000 square feet).
 - [2] Personal service use.
 - [3] Office building.
 - [4] Bank/credit union.
 - [5] Medical office.
 - [6] Instructional facility.
 - [7] Day care center
 - (c) Planning Board special permit approval: (reserved)
 - (c) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
 - (d) Town Board special permit approval and optional advisory referral to the Planning Board:
 - [1] Emergency vehicle station.
 - [2] Hospital/clinic.
 - [3] Nursing home/assisted-living facility.
 - [4] Retail use (5,000 to 15,000 square feet.)
 - [5] Drive-in service.
 - [6] Secondary use.
- (3) Cross-reference to other commonly used regulations; see sections noted:
- (a) *Definitions:* see Article II.
 - (b) *Accessory uses and structures:* see § 230-20A.
 - (c) *Lot: structure dimensional exemptions:* see § 230-20B.
 - (d) *Parking:* see § 230-21.
 - (e) *Signs:* see § 230-22.
 - (f) *Utility substation:* see § 230-27.
 - (g) *Highway Overlay Zone:* see § 230-19.

B. HC-1 Highway Commercial (based on C-2).**(1) Intent.**

- (a) *It is the intent to maintain in this district the quality of environment that is usually found in areas of commercial use often located near, but generally not immediately adjacent to, residential neighborhoods. The intensity and scale of the uses, lots and structures are intended to be commensurate to moderately concentrated business areas.*
- (b) *Development in these districts should be designed so as to be compatible with the general characteristics which exist or are to be expected in the nearby neighborhoods, such as open space, green areas, landscaping and architecture.*

(2) Uses allowed:

- (a) Office of Planning and Development issuing a building permit: (reserved)
- (b) Planning Board site plan approval:
- | | |
|---------------------------|---------------------------------------|
| [1] Retail use. | [6] Shopping center. |
| [2] Personal service use. | [7] Public self-storage facility. |
| [3] Office building. | [8] Medical office. |
| [4] Bank/credit union. | [9] Outdoor retail sales and service. |
| [5] Theater, indoor. | [10] Day care center. |
- (c) Planning Board special permit approval:
- [1] Hospital/clinic.
[2] Nursing home/assisted-living facility.
[3] Secondary use.
- (c) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
- (d) Town Board special permit approval and optional advisory referral to the Planning Board:
- | | |
|--|-------------------------------|
| [1] Emergency vehicle station. | [5] Drive-in service. |
| [2] Restaurant. | [6] Hotel/motel. |
| [3] Automobile car wash facility. | [7] Veterinary care facility. |
| [4] Motor vehicle sales, service and rental. | |

(3) Cross-reference to other commonly used regulations; see sections noted:

- | | |
|--|-----------------|
| (a) Definitions: | see Article II. |
| (b) Accessory uses and structures: | see § 230-20A. |
| (c) Lot: structure dimensional exemptions: | see § 230-20B. |
| (d) Parking: | see § 230-21. |
| (e) Signs: | see § 230-22. |
| (f) Utility substation: | see § 230-27. |
| (g) Highway Overlay Zone: | see § 230-19. |

C. RC-1 Regional Commercial (based on C-3, -5, -7 and -10).

- (1) *Intent. This district is intended to allow for diverse, large-scale commercial development of potentially multiple lots, structures and uses arranged in a planned and coordinated manner. Such development shall be treated as a unified development maintaining coordinated site management of shared parking, signage and similar site improvements. This district shall emphasize design to ensure compatibility with adjoining properties, land uses, public facilities and environmental features and, therefore, each shopping center complex shall conform to both district and individual lot development standards.*
- (2) **Uses allowed:**
 - (a) Office of Planning and Development issuing a building permit: (reserved)
 - (b) Planning Board site plan approval:

[1] Shopping center.	[7] Theater, indoor.	[12] Public self-storage
[2] Retail use.	[8] Motel/hotel.	[13] Outdoor retail sales
[3] Personal service use.	[9] Medical office	and service.
[4] Office building.	[10] Hospital/clinic.	[14] Veterinary care facility.
[5] Bank/credit union.	[11] Nursing home/	[15] Day care center
[6] Restaurant.	assisted-living facility.	
 - (c) Planning Board special permit approval: (reserved)
 - (d) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
 - (e) Town Board special permit approval and optional advisory referral to the Planning Board:

[1] Emergency vehicle station.	[4] Motor vehicle sales, rental and service.
[2] Drive-in service.	[5] Gasoline service station.
[3] Automobile car wash facility.	[6] Nightclub/dance hall.
- (3) **Cross-reference to other commonly used regulations; see sections noted:**
 - (a) Definitions: see Article II.
 - (b) Accessory uses and structures: see § 230-20A.
 - (c) Lot: structure dimensional exemptions: see § 230-20B.
 - (d) Parking: see § 230-21.
 - (e) Signs: see § 230-22.
 - (f) Utility substation: see § 230-27.
 - (g) Highway Overlay Zone: see § 230-19.

B. Structures.

(1) Front yard intrusions permitted. A porch may intrude into the required front yard up to a maximum of six feet, provided there is no roof or wall enclosures and any railing is not higher than 36 inches.

(2) Fences.

(a) No wall or fence, other than a wire fence, shall be erected, replaced or maintained on any residential lot having a height in excess of seven (7) feet.

(b) No fence or hedge having a height in excess of two and one-half (2 ½) feet shall be erected, replaced or maintained in the front yard or side yard between the street line and the setback line.

(c) Fences cannot be erected across a drainage easement per section 185.20, Stormwater Drainage.

(d) Fences in Flood Zones must comply with Chapter 112, Flood Damage Prevention.

(e) Fences surrounding swimming pools must comply with section 230-20B(3).

(3) Swimming Pools and Hot Tubs: No building permit for the erection or maintenance of a swimming pool or hot tub shall be issued except upon compliance with Chapter 81, Building Permits, of the Town Code and the following provisions:

(a) Map or Survey. The application shall be accompanied by a map or survey showing the exact location of the pool with reference to lot side lines, existing buildings, water mains, electric lines, gas lines and sewer lines. The application shall show the manner and method of disposal of waste water.

(b) Lighting. No lighting shall be permitted in, on or about a swimming pool except such lighting that shall shine into or upon the pool which shall cast no light or reflections onto abutting properties.

(c) Overhead Wires. No overhead electric lines shall be maintained within twenty (20') feet of the nearest portion of a pool or appurtenances.

(d) Perimeter. A perimeter of at least four (4') feet around all edges of the pool shall be maintained between the edges of the pool and fence

erected around the pool.

- (e) Disposal of Waste Water. Waste water shall not be discharged into any sanitary sewer in the Town of Clay. Waste water shall be prevented from flowing over or into the land of any adjoining property owner or over any abutting street.
- (f) Filling. No pool having water capacity in excess of one hundred (100) gallons shall be filled or added to at any time during the effectiveness of emergency water orders or measures.
- (g) Existing Pools. Existing pools shall conform to all provision of this subsection.
- (h) Abandonment. Should the pool be abandoned, the owner shall arrange to remove the depression and return the surface of the ground to its original grade and Enforcement Officer shall be notified

- (3) Reserve spaces. Upon approval during either site plan or special permit reviews, a percentage of the required parking or loading spaces may be set aside for future installation. These spaces shall be maintained as potentially usable spaces, but, until needed, shall be landscaped, treated and maintained per the requirements of the reviewing board. The reserve spaces shall be clearly shown on any graphic plans approved by the Town. Unless otherwise prohibited by the Town, the owner-occupant may prepare these reserve spaces for vehicular use per the approved plan, without additional site plan or special permit review. The Town may require the owner-occupant to prepare the reserve spaces for vehicular use upon a finding by the reviewing board that the reserve spaces are needed.
- (3) Shared/Off-site parking. All parking and loading spaces shall be maintained entirely within the same lot as the land use(s), unless specifically allowed by the reviewing board. The reviewing board may, during site plan or special permit review, allow the required parking spaces to be maintained on any lot within 500 feet of the primary land use if it determines that it is impractical to provide parking on the same lot with the building by the issuance of a special permit.
- (4) Parking ratios. The table sets forth a minimum number of spaces required per selected characteristics of land use. Square footage is used for most of the land uses and is based on the gross or entire floor area of a building or structure, as measured along the exterior walls.
- (5) Fractional results. A parking or loading space calculation resulting in fraction of a space shall be rounded to the closest whole number, except that no loading space shall be required for land uses that yield a calculated loading space that is less than one space.

E. Required parking and loading spaces. The following parking and loading spaces shall be provided and satisfactorily maintained by the owner-occupant of the property for each land use on the property.

<u>Group Name</u>	<u>Minimum Required Parking Spaces</u>	<u>Minimum Required Loading Spaces</u>	<u>Maximum Percentage of Reserve Parking</u>
Residential			
1 to 3 units	2/unit	0	0%
4 or more units/lot	2/unit	Subject to site plan review	
Managed-living facility		1/10,000 sq. ft.	25%
Health-related	2/bed	0	
Hotel-motel-type use	1.5/room	0	
Assembly		0	25%
Fixed seating	1/3 seats	0	
Open floor plan: flexible seating	10/1,000 sq. ft.		

SECTION 2. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

5. (City local law concerning Charter revision proposed by petition.)

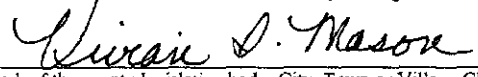
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1_____, above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
VIVIAN I. MASON, TOWN CLERK
Date: **MARCH 24TH, 2006**

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature **ROBERT M. GERMAIN**
TOWN ATTORNEY
Title

~~XXXXXX~~
~~XXXXXX~~ of **CLAY**
Town
~~XXXXXX~~

Date: **MARCH 24TH, 2006**