

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 underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

JUN 13 2005

~~XXXXX~~

~~XXX~~ of CLAY

Town

~~XXXXX~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 1 of the year 2005, Repealing the present Chapter

230 "Zoning Ordinance" of the Code of the Town of Clay and adopting a new Chapter 230,
A local law

(Insert Title)

entitled "ZONING" to the Code of the Town of Clay.

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

~~XXXXX~~

~~XXX~~ of CLAY

Town

~~XXXXX~~

as follows:

The purpose of this local law involves a complete change to the zoning text, titles, and the zoning map accordingly. SAID LOCAL LAW, ATTACHED HERETO AND MADE A PART HEREOF, READS AS FOLLOWS:

(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. 1 of 2005 of
the ~~(County)(City)~~(Town)(Village) of Clay was duly passed by the
Town Board on June 6th, 2005, in accordance with the applicable
(Name of Legislative body)
provisions of law.

**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

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

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

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)
(repassed after disapproval) by the _____ on _____ 20____.
(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

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer*)
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.

* 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.

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

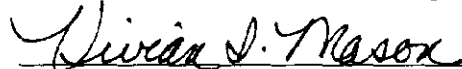
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____, above.

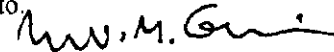

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
VIVIAN I. MASON, TOWN CLERK
Date: June 9th, 2005

(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

~~XXXX~~
City of Clay
Town _____
Village _____

Date: June 9th, 2005

Town of Clay

4401 State Route 31
Clay, New York 13041

ZONING CODE

Chapter 230

June 6, 2005



June 6, 2005

**Town of Clay
Zoning Code
Chapter 230**

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prepared by:
Howard Brodsky
Community Planning Consultant
(315) 446-9444

Town of Clay Zoning Code

Page 1

230.1 General Provisions

A. Title

This Local Law shall be known as the TOWN OF CLAY ZONING CODE (hereinafter called the Code and shall consist of the following text and the TOWN OF CLAY OFFICIAL ZONING MAP (hereinafter termed the "zoning map".)

B. Enacting Clause

The Town Board of the Town of Clay in the County of Onondaga in the State of New York, hereby ordains, enacts and publishes the Town of Clay Zoning Code and Official Zoning Map.

C Purpose

This law provides for regulating, controlling, and restricting the use and development of land and buildings within the Town of Clay in order to promote and protect, to the fullest extent reasonable the environment of the Town and its public health, safety and general welfare in accordance with purposes outlined in applicable sections of New York State Town Law.

D Interpretation

For purposes of interpretation and application, the provisions of this Code shall be deemed to be the specified minimum or maximum requirements necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

E Conformance with other Codes

This Code shall not be construed, unless specifically stated, as superseding, limiting, changing or suspending any law, ordinance, code or regulation still in effect regulating the safety, construction or sanitation of any building or structure. The New York State Fire Prevention and Building Code (NYSFPBC) is an example of a major state regulation addressing identical or similar issues as this Zoning Code. As an example, this Zoning Code may allow a zero (0) foot setback from property line while the NYSFPBC requires ten (10) feet or appropriate alternatives such as fire resistant materials. In such cases the NYSFPBC will be the prevailing requirement.

F Separability Clause

Should any section or provisions of this Local Law or Code be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

G Repeal Prior Zoning Codes and Local Laws

Upon filing of this Local Law No. 1 of 2005 in the office of the Secretary of State of New York "The Town of Clay, New York, Zoning Code, 1978" and all subsequent amendments thereto adopted by Ordinance or by local law be and the same hereby are REPEALED.

Town of Clay Zoning Code

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H Effective Date

This Local Law No. 1 of 2005 shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.

I Violations and Penalties

1. A violation of this Chapter is hereby declared to be an offense, punishable by a fine not exceeding Two Hundred Fifty (\$250.00) Dollars or imprisonment for a period not to exceed fifteen (15) days, or both. Such violation shall not be a crime and the penalty or punishment imposed shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any liability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof. Each week's continued violation shall constitute a separate additional violation.

2. Injunctive relief - In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used, or any land is divided into lots, blocks, or sites in violation of this Chapter, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

J. Application of Regulations

Except as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of dwelling units; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards or other open spaces than is herein specified for the district in which it is located or in regulations applicable to all districts.

3. No part of a yard or open space required about any building or structure for the purpose of complying with this Code shall be included as part of a yard or open space similarly required for another building or structure.

4. Uses not permitted - All uses not specifically permitted in a district by right or permitted upon issuance of a Site Plan or Special Permit approval, shall be deemed prohibited in that district. A use not clearly addressed by this Code may have its status determined by an interpretation of the Commissioner of Planning and Development subject to appeal to the Zoning Board of Appeals or may be added to the Zoning Code by adoption of a text amendment by the Town Board.

5. Existing buildings and uses - This Code shall not apply to an existing building or structure, nor to the existing use of any building, structure or land to the extent it was legally established or legally used at the time of enactment of this Code. The terms of this Code shall apply to any subsequent change in use, alterations, extension or movement of a building or structure, and to any change in use of land.

Town of Clay Zoning Code

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6. Types of zoning reviews - For purposes of general understanding, a permitted use or structure is allowed in a zone district and does not require discretionary review or approval by any town board. Permitted uses may require a Building Permit or Certificate of Occupancy for certain activities. A Variance is a waiver of the applicable use or dimensional controls and requires Zoning Board of Appeals approval. Site plan or Special Permit reviews are for uses or structures which are allowed but due to their nature, necessitate discretionary board review; such review includes but is not limited to elements of size, site design, intensity of use and character. To determine type of review for a specific use or structure consult §230.3 Zone Districts, §230.4 Supplemental Regulations and 230.5 Administration.

7. Changes in Use – (Changes in Land Use) Properties and structures are anticipated by this Code to periodically change. Changes in ownership or simple occupancy will not normally require zoning code review or approval if there is no accompanying physical changes and if there are no changes in land use. A change in land use is a change from one land use to another as defined in this code (examples include: a retail store changed to an office, a warehouse changed to a wholesale use). Changes in land use require review and approval as required by this Code as if there was new or modified construction.

**Town of Clay
Zoning Code**

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Town of Clay Zoning Code

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230.2 Definitions

accessory uses and structures - see separate definitions for use, accessory & structure, accessory

animals - The Town Zoning Ordinance recognizes and addresses three basic categories of animal that are relevant to control within the scope and purpose of the Zoning Ordinance: domestic, farm and exotic or wild animals.

domestic animals - are 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 an 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 is generally available in general merchandise outlets such as grocery or department stores.*

farm animals - are 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, cows, chickens, sheep and pigs. 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).

exotic(wild) animals - are 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 - monkeys, apes, lions, tigers, wolves, alligators and boa constrictors. Small animals include: falcons, hawks, squirrels, raccoons. Some animals such as ferrets may require special licensing from New York State to be sold or maintained as a pet. 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.

animal care/training facility - is a primary or accessory use where domestic (dog and cat) 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 sale of retail products and/or areas for shows. The definition EXCLUDES facilities for the boarding or breeding of animals.

animal boarding/breeding facility - is 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.

apartment - is a dwelling unit in a multiple family dwelling or mixed-use occupancy building.

apartment building - see dwelling, multiple family

assisted living facility - see nursing home/assisted living facility

auto body repair - see motor vehicle sales, service and rental

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bank-credit union - see retail use

bed & 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.

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 be generally be considered separate buildings. Common examples include: houses, garages, factories, barns, and mobile homes. Fences, signs and temporary structures such as tents are not buildings.

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.

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.

communication tower - see utility substation

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 processes engaged in and developed by the Town to formulate and/or implement immediate and long range 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.

consolidation - is the combining of one or more parcels of land. See also subdivision

Town of Clay Zoning Code

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contractor's service yard - land or structures serving as the base of operations for a building trades contractor, a trucking or heavy equipment operators or similar professions. Examples include: irrigation and well drilling services, plumbing contractor, 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.

corner lot - see - lot, corner

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.

dance studio - see instructional facility

day care center - A land use in which care and supervision of [at three (3) 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 twenty-four (24) hour period and may occur during any part of a day. Examples of activities which are day care facilities under this Code include: nursery schools, pre-school programs, after school programs or day care centers, senior day care facilities.

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: drive-in or drive-thru banks, drive-in restaurants and movie theaters, ATM's (automatic teller machines), and drive-up kiosks. This definition specifically excludes gasoline service station, car wash, 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 - a house, apartment building or other permanent building designed or used primarily for human habitation.

dwelling unit - a complete self-contained residential unit, with living, sleeping, cooking, and sanitary facilities within the unit, for use by one family.

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.

Town of Clay Zoning Code

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dwelling, two family - a building containing only two (2) units, and occupied by only two (2) families.

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.

excavation/mining use - 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. (See also Code of Town of Clay, Chapter 100 Excavations)

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.

family - one (1) 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 & 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 non-contiguous properties but the primary farm properties (those occupied by residential 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, 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, 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 non-contiguous spaces within a property and shall be greater than 100 sq. ft. A total sales area of 100 sq. ft. or less does not constitute a farm stand.

front yard - see - yard, front (applicable to other derivations eg. 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 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

Town of Clay Zoning Code

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automotive maintenance and repairs. It may include areas for the retail sale of items such as: prepared foods, groceries, magazines, household or personal care items.

gasoline station, limited use - is 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.

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, non-residential 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 non-commercial 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 6'6" (six feet-six inches) or more.

hazardous material storage - a facility designed, constructed and maintained to safely store and distribute materials considered hazardous in normal use. Examples include: ammunition, explosives and chemical waste.

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. Notification requirements are stipulated by NYS Law, this Code and/or Town Policy.

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 notification requirements and conduct of the meeting shall be established by the reviewing board.

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 an open areas outside of any structures.

home occupation - Any personal or professional service, trade or occupation conducted within a dwelling by the residents thereof, which use is incidental and accessory to the use of the property for residential purposes, which does not change its residential character, and conforms to the requirements of this Code (see § 230.5 D 9 b 1).

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.

Town of Clay Zoning Code

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indoor recreation - participant - a principal use of structure for individual or small group sporting events or recreational activities such as: indoor tennis court, 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, basket ball court. Such facilities are designed for the direct use and participation of some of the attendees, and includes substantial spectator facilities.

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

junk yard - 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 **animal 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.

land use - is 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.

landscape buffer - see perimeter landscape strip

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, videodisc, 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 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

lot, corner - 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 degrees. The narrower ROW frontage of a corner lot shall be the front of the lot and the lot shall have one (1) side yard and one (1) rear yard established in relation to that front yard. (see also lot, three-sided)

lot, flag - An irregularly shaped lot with at least two major portions: (1) a non-developable narrow area abutting a right-of-way connected to (2) the larger developable area surrounded by other lots, conforming in all other respects to the district lot and setback requirements. The undevelopable portion of the lot shall be maintained clear of all structures and have a minimum width of 30 feet.

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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 lot orientation shall be determined by the Commissioner of Planning and Development.

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 Commissioner of Planning and shall be based upon the following guidelines a) the predominant orientation of nearby lots, b) the character of the abutting rights-of-way, c) 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 with a minimum depth of ten (10) feet each regardless of the zone district requirements.

manufacturing - land and/or 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: 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 - 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 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. A unit may also be two (2) or more separately moveable components designed to be joined into one (1) integral unit capable of being again separated into the components for repeated towing (double wide). Though manufactured units retain mobility, they are designed to be used as long-term residential units and exclude travel trailers, motorized homes, pick-up coaches, camping trailers, and all forms of recreational vehicles.

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 contain no facilities for fuel, repair, sales, food or similar commercial operations.

marina, public - the use land, structures and adjacent water bodies for the storage, docking, and/or servicing of boats for compensation or as non-profit operation. It may include other business activities such as retail fuel sales and administrative operations, restaurants and similar services.

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medical office - an office where patients are treated or attended to by medical practitioners that include but are not limited to: physicians, dentists, physical or occupational therapists, laboratory tests, diagnostic (X-ray, MRI, etc) testing. This definition excludes clinics and hospitals.

mini-warehouse - see public self storage facility

mobile home - see manufactured home

mobile home court - land designed and planned in accordance with this Code for the 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 pre-assembly 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.

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 includes cars, trucks, recreational vehicles, motor cycles, trailers, snowmobiles or boats.

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 yard, towing service, vehicle holding yard or similar facility 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).

nightclub/dance hall - an establishment 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 uses: restaurant, indoor recreation-participant)

nursery school - see day care center

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.

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.

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: insurance, real estate, financial, legal, design, and management. It shall exclude 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).

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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, basketball court. 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, junkyard, waste or scrap products or farm products.

parcel - is an area of land to be subdivided or consolidated (see also lot)

park lands - see park/playground (private)

park/playground (private) - 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.

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-premise sale of services to the ultimate customer and includes uses commonly referred to as: barber shop, beauty salon, dry cleaner, self-service laundry and similar activities (see also retail use).

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 to 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 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, 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.

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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: mini-warehouse, public storage, or self-storage facilities; the use excludes: temporary or portable units such as tractor trailers or storage trailers (with or without wheels).

rear yard - see - yard, rear (applicable to other derivations eg. rear yard depth)

recreation area - see park/playground (private) or outdoor recreation participant

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 re-use in any other process such as: manufacturing, construction, or agriculture. Examples include: glass crushing, re-processing of road asphalt, composting, paper re-processing, metal separation, organic-waste treatments, separation or refinement of chemical or paints, motor vehicle oil (used) re-treatment.

recycling process facility - is 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: 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.

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 re-sale 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 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: 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 fund-raising) collection sites, or retail stores accepting trade-in products such as computers or similar electronic equipment.

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 church, synagogue, meeting house or temple; 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 non-food products that may be commercially usable for agricultural, industrial or consumer purposes, such as oil, soap, or fertilizer.

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restaurant - a building or portion of a building occupied for the retail sale of food and/or beverage that is prepared and served in a ready-to-consume state for either on or off the premise consumption. This definition includes uses commonly referred to as: luncheonettes, snack bars, family restaurants, ice cream or pizza parlors, take-out restaurants, taverns, inns and cafes. Excluded are: nightclub/dance hall, temporary facilities associated with carnivals, field days, charitable fund-raising 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.

re-subdivision - see subdivision

retail use - an activity primarily characterized by the on-premise 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 store, hardware store, grocery store, boutique, craft shop, appliance repair shop, video rental store and personal service use (defined separately in this Code). Excluded are the following principal uses: restaurant; gasoline service station; motor vehicle sales, service or rental; and outdoor retail sales, display or service.

right-of-way (ROW) - 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.

secondary use - see use, secondary

self-storage facility - see public self-storage facility

school - a public or private institution providing a curriculum of elementary and secondary academic instruction and includes kindergarten, elementary, middle and high school. It excludes vocational, trade, or boarding schools, colleges or the offering of group instruction within a residence.

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. (see also yards, required)

shopping center - land planned, improved and managed to accommodate a grouping of two (2) 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: retail store, restaurant, drive-in service, gasoline service station, indoor recreation and office. Two (2) 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 - is 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, 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.

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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 the Riverfront Overlay Zone.

shoreline lot width - the width of property adjacent to 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. 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 boat house that affords protection and/or storage to boating craft while remaining in the water.

sign - any (a) structure; (b) natural object or part thereof; (c) device; or (d) 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, 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 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 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.

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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 height - the vertical distance from the uppermost point of a sign (measured from a ten (10) foot radius of the sign structure or structural trim) to the average ground height beneath the sign and within the structure thereof.

sign maintenance - routine maintenance, including minor repairs, such as repainting, bulb replacement and repair of electrical or mechanical parts.

sign, freestanding - a sign which is supported by one or more uprights or braces in or upon the ground.

sign, information - a sign which contains information intended exclusively as a public service and of a non-commercial nature indicating such facilities as rest rooms, public telephones, bus stop 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, 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, non-profit 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 fifteen (15) inches horizontally, and no portion of which projects above the roof line 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 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.

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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, 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 non-profit 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 fifteen (15) inches therefrom, and extending not more than three (3) feet above the roof line or parapet of the building; where a sign extends above three (3) feet, it shall be considered a roof sign.

sign, window display - a sign situated on the interior of a window and forming an integral part of a window display.

sign, window - a sign situated on the interior of a window, not forming an integral part of a window display.

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

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 of this Code.

slaughterhouse - a facility where animals are temporarily held, butchered and prepared for either retail or wholesale market consumption.

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)

street line - a single line formed by the intersection or overlap of street or road right-of-way boundary and the abutting property line

structure - means anything constructed, erected or otherwise situated on the land, whether of a permanent or temporary nature.

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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, antenna, swimming pools, parking/loading areas and signs.

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

subdivision - is the division of a parcel of land into two (2) or more blocks, lots, or plots, with or without streets or highways for sale, lease, any similar conveyance or future development.

subdivision adjustment - is 1) the relocation of existing lot line(s) between two or more legally existing lots without creating new streets, curb cuts, infrastructure needs or lots or is 2) the elimination of a lot line consolidating two existing legal or legal non-conforming lots without creating new streets, curb cuts, or infrastructure needs. For purposes of §230.5 E 6 (Subdivision Adjustments) of this Code legally existing lots may also include lots on an approved un-filed plat map.

swimming pool - an accessory structure that is a receptacle for water, having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or on the ground.

theater, indoor - a form of indoor recreation-spectator use, comprised of two main permanent building components: a display or performance space (stage, movie screen, podium, etc.) and customer sitting areas for viewing, listening to presentations/performances. It may include incidental areas for the sale of prepared food and drinks (snack-beverage bar, vending machines but no designated eating or dining areas.

town house - 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.

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 pick-up 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.

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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; vehicle, equipment and material storage; warehousing and similar functions.

veterinary care facility - a business providing for the care, medical treatment and incidental boarding 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 facility, 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 showroom, truck storage and parking areas. It excludes facilities for the storage and distribution of petroleum, natural gas or hazardous chemicals.

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. Permissible intrusions into the front yard may include steps and ramps that are minimally necessary for access and eaves, cornices and similar portions of the principal structure. (for additional permitted intrusions see Supplemental Regulations).

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 parked vehicles.

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.

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230.3 Zone Districts

230.3.1 Establishment of Zone districts

A. Conventional Zone Districts

For the purposes of this Code, the Town of Clay is divided into the following conventional zoning districts (an area where lots, structures and uses are uniformly regulated to fulfill a common purpose):

§230.3.A Residential Districts

- RA-100 Residential Agricultural
- R-40 One-Family Residential
- R-15 One-Family Residential
- R-10 One-Family Residential
- R-7.5 One-Family Residential
- R-2F Two-Family Residential
- R-TH Town House District
- R-Apt Apartment District
- R-MHC Mobile Home Court
- LuR Limited use for riverfront

§230.3. B Recreation Districts

- Rec-1 Recreation

§230.3.C Office Districts

- O-1 Neighborhood Office
- O-2 Office

§230.3. D Commercial Districts

- NC-1 Neighborhood Commercial
- HC-1 Highway Commercial
- RC-1 Regional Commercial
- LuC-1 Limited Use District for gasoline services
- LuC-2 Limited Use District for restaurants

§230.3. E Industrial Districts

- I-1 Industrial 1
- I-2 Industrial 2
- S-1 Special Use

B. Specialized Districts

This Code provides for a district(s) that afford both greater flexibility for development and oversight by the Town. Such districts when established by the Town would be used as an alternative to a conventional district.

§230.3. F Special Districts

- PDD - Planned Development District
- GOV – Government controlled land (indicated on zoning map for information – zone district is RA-100)

C. Overlay Districts

An overlay district is a form of zone district which imposes additional regulations for specific purposes, such as historic preservation, flooding, parking or other concerns and may be established at the discretion of the Town Board pursuant to §230.5.1 Zoning Amendments of this Code. Overlay districts establish

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controls that are superimposed upon, and are in addition to, the existing zone district regulations affecting land use and structure.

§ 230.3 G Overlay Districts

HOV Highway
AFH Airport Flight Hazard
Gas Trans Gas Transmission

D. Zoning Map

The location and boundaries of each zoning district are shown on the map entitled "Town of Clay Zoning Map", certified by the Town Clerk, on file in Town Hall and is hereby declared to be a part of this Local Law.

E. Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries of any district as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following mapped lot lines shall be construed as following such lot lines. Tax maps, maintained for assessment purposes, shall be a primary source for determining the identification of a parcel, its size, location and boundaries. Unless specifically changed by the Town, zone district designations shall apply to any successor lots, created subsequent to a zoning map amendment.
2. Boundaries indicated as approximately following the center lines of streets shall be construed to follow such center lines.
3. Boundaries indicated as following shore lines of streams and lakes shall be construed to follow such shore lines, and, in the event of change in the shore line, shall be construed as moving with the actual shore line.
4. Boundaries indicated as approximately following the corporate boundaries of the Town of Clay shall be construed as following such corporate boundaries.
5. Boundaries indicated as parallel to, or extensions of, physical or political features indicated in Paragraphs E. 1-4 (above) shall be so interpreted as parallel or extensions. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map or a description of boundaries, if available, adopted by the Town Board.
6. Where a district boundary line divides a lot existing at the time of adoption of this Local Law, the regulations of the applicable districts shall apply to the respective portions of the lot.
7. All land within the Town shall have a zone district designation. If, for any reason, a lot appears on the zoning map to be without any designation then it shall be considered to be within the RA-100 Zone District.
8. The Office of the Commissioner of Planning and Development shall determine the location of zone district boundaries. Any challenge of that Office's determination may be brought by any aggrieved party to the Zoning Board of Appeals for an interpretation.

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F. Organization of conventional zone district texts

Each conventional zone district is divided into the following parts:

- **Intent** statement (*in italics*) that provides general guidance and is **not** enforceable.
- **Allowable uses** that list individual land uses by name and assigns each to a Town review procedure.
- **Lot and Structure Dimensional Requirements** in a schedule format indicating numerical type requirements for activities and structures related to the allowed land uses.
- **Supplemental District Design Standards** (not in all districts) that indicate numerical or review requirements for some specialized condition
- **Cross-references** (as an aid to users) to other sections of the zoning code that may be helpful or are commonly applicable.

G. Dimensional requirement groupings or categories

In specific zone districts more than one set of dimensional standards may be established to account for the variety of allowable land uses. Determination of a category for any individual land use shall be made by the Commissioner of Planning and Development. The groupings of dimensional requirements were organized according to following:

NO category indicated

When no separate group or category is indicated all uses within the district are subject to the same dimensional standards (some land uses may be subject to additional site plan or special permit standards).

Residential

All land uses where a dwelling unit is the principal activity (includes one, two, multiple family dwellings, apartments and townhouses and manufactured homes)

Non-residential

Land uses that are commonly considered supportive of or associated with residential areas but have no dwelling units (examples include schools, religious institution, community center)

Agricultural

Land uses involved with a farm, as defined in this code, or use engaged in a similar activity (examples include farm, farm stand, commercial greenhouse or nursery)

Commercial

Land uses engaged in retail, office activity (examples include retail use, office building, medical office, shopping center)

Industrial

Land uses involved with production, storage and distribution (examples – warehouse, manufacturing, truck terminal)

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230.3 A-Residential Districts

Every proposed residential subdivision shall provide a park and recreation area not less than 2,000 square feet per lot or, in the discretion of the Planning Board, a sum as provided in Chapter 105, Fees, in lieu thereof.

reserved for additional comments and common regulations for the following zones

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§230.3.A 1 RA-100 Residential Agricultural District (based on A-1)

Intent:

The intent of this district is to accommodate agricultural activities, to provide a setting for low density family dwellings, and supportive non-residential development in areas of the Town that are unlikely to be served by both public water and sewers.

USES ALLOWED:

A. Office of Planning and Development issuing a building permit

- | | |
|------------------------|---------------------------|
| 1. one family dwelling | 4. farm Stand |
| 2. farm | 5. nursery, commercial |
| 3. cropland | 6. greenhouse, commercial |

B. Planning Board Site Plan approval

1. park/playground (private)
2. cemetery

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. home occupation

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

- | | |
|--------------------------------------|------------------------------------|
| 1. emergency vehicle station | 5. outdoor recreation - spectator |
| 2. animal care/training facility | 6. outdoor recreation- participant |
| 3. animal boarding/breeding facility | 7. two family dwelling |
| 4. veterinary care facility | |

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. RA-100 Lot and Structure Dimensional Requirements

	<u>Residential</u>	<u>NON Residential</u>	<u>Agricultural</u>
1. Lot			
a. area, minimum	100,000 sq. ft.	5 acres	10 acres
b. width, minimum	250 ft.	125 ft.	500 ft.
c. coverage, maximum building	n/a %	n/a %	n/a %
d. coverage, maximum total	n/a %	n/a %	n/a %
2. Principal Structure and attached accessory structures			
a. front yard minimum	75 ft.	100 ft.	75 ft.
b. side yard minimum	25 ft.	50 ft.	Greater of 25ft or 1.5 x hgt.
c. rear yard minimum	25 ft.	50 ft.	Greater of 25ft or 1.5 x hgt.
d. maximum height	35 ft.	50 ft.	60 ft.
e. maximum gross floor area	n/a sq. ft.	n/a sq. ft.	n/a sq. ft.
f. maximum # floors	n/a	n/a	n/a
3. Accessory structures - detached, greater than 100 sq. ft.			
a. front yard minimum	75 ft.	100 ft.	75 ft.
b. side yard setback	25 ft.	25 ft.	Greater of 25ft or 1.5 x hgt.
c. rear yard setback	25 ft.	25 ft.	Greater of 25ft or 1.5 x hgt.
d. maximum height	25 ft.	25 ft.	60 ft.

G. RA-100 Supplemental District Design Standards

1. Perimeter landscape strip n/a ft.
2. Additional setback abutting residential district n/a ft.
3. Structure Design, scale and materials
 Subject to designated board review - shall reflect and be sympathetic to the existing or
 planned character of residential structures in the surrounding area.

H. RA-100 Special Provisions Large Lot One-family dwelling

Any One-family dwelling maintained on a lot 5 acres or greater shall be eligible to use or maintain:

1. A portion of the lot for raising agricultural products, except livestock, for personal consumption or commercial purposes.
2. A seasonal farm stand, subject to ZBA Special Permit approval.
3. Accessory farm structures subject to Residential lot and structure dimensional standards
4. Agricultural livestock as personal food sources or pets.

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§230.3.A 2 R-40 One-Family Residential District (formerly R-1B)

Intent:

The purpose of this district is to allow lower density single family uses and supportive non-residential development within the portions of the town that are NOT served by public sewers.

USES ALLOWED:

- A. Office of Planning and Development issuing a building permit**
1. one-family dwelling.
- B. Planning Board Site Plan approval**
1. park/playground (private)
- C. Planning Board Special Permit approval**
- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |
- D. ZBA Special Permit approval and optional advisory referral to the Planning Board**
1. home occupation
- E. Town Board Special Permit approval and optional advisory referral to the Planning Board**
1. emergency vehicle station
2. outdoor recreation – participant

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-40 Residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 40,000 sq. ft.
 - b. width, minimum 150 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 50 ft.
 - b. side yard minimum
 - 1) one side 10% lot width
 - 2) total both sides 25 % lot width
 - c. rear yard minimum 30 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure front line
 - b. side yard setback 15% lot width
 - c. rear yard setback 30 ft.
 - d. maximum height 15 ft.

G. R-40 Non-residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum based on design, parking, yards, etc.
 - b. width, minimum 150 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 50 ft.
 - b. side yard minimum
 - 1) one side 15% lot width
 - 2) total both sides 30% lot width
 - c. rear yard minimum 30 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure rear building line
 - b. side yard minimum 15 % lot width
 - c. rear yard minimum 30 .ft.
 - d. maximum height 15 ft.

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§230.3.A 3 R-15 One-Family Residential District (formerly R-1A)

Intent:

The intent of this district is to permit moderate density, single family and supportive non-residential development on sites in the Town served by both public water and sewer.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. one-family dwelling.

B. Planning Board Site Plan approval

1. park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. home occupation

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station
2. outdoor recreation – participant

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-15 Residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 15,000 sq. ft.
 - b. width, minimum 80 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 25 ft.
 - b. side yard minimum
 - 1) one side 10% lot width
 - 2) total both sides 25 % lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure front line
 - b. side yard setback 10% lot width
 - c. rear yard setback 30 ft.
 - d. maximum height 12 ft.

G. R-15 Non-residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum based on design, parking, yards, etc.
 - b. width, minimum 80 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 25 ft.
 - b. side yard minimum
 - 1) one side 15% lot width
 - 2) total both sides 30% lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure rear building line
 - b. side yard minimum 15% lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 15 ft.

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§230.3.A 4 R-10 One-Family Residential District (formerly R-1)

Intent:

This district is intended to permit higher density single family uses and supportive non-residential development on sites in the town served by both public water and sewer.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. one-family dwelling.

B. Planning Board Site Plan approval

1. park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. home occupation

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station
2. outdoor recreation – participant

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-10 Residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 10, 000 sq. ft.
 - b. width, minimum 75 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 25 ft.
 - b. side yard minimum
 - 1) one side 10% lot width
 - 2) total both sides 25 % lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure front line
 - b. side yard setback 10% lot width
 - c. rear yard setback 10 ft.
 - d. maximum height 12 ft.

G. R-10 Non-residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum based on design, parking, yards, etc.
 - b. width, minimum 75 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 25 ft.
 - b. side yard minimum
 - 1) one side 15% lot width
 - 2) total both sides 30% lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure rear building line
 - b. side yard minimum 15% lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 15 ft.

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§230.3. A 5 R-7.5 One-Family Residential District (formerly R-2)

Intent:

The intent of this district is to preserve existing high density, single family uses and supportive non-residential development in areas served by both public water and sewers. This district may be applied, only in such cases, where it is demonstrated that the development density is compatible and appropriate to the affected lands and the surrounding neighborhoods.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. one-family dwelling.

B. Planning Board Site Plan approval

1. Park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. home occupation

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station
2. outdoor recreation – participant

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-7.5 Residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 7500 sq. ft.
 - b. width, minimum 70 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 25 ft.
 - b. side yard minimum
 - 1) one side 10% lot width
 - 2) total both sides 25 % lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure front line
 - b. side yard setback 10% lot width
 - c. rear yard setback 10 ft.
 - d. maximum height 12 ft.

G. R-7.5 Non-residential Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum based on design, parking, yards, etc.
 - b. width, minimum 70 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 25 ft.
 - b. side yard minimum
 - 1) one side 15% lot width
 - 2) total both sides 30% lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
3. Accessory structures - detached
 - a. front yard minimum Existing principal structure rear building line
 - b. side yard minimum 15% lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 12 ft.

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§230.3. A 6 R-2F Two-Family Residential District (formerly R-3)

Intent:

The intent of this district is to permit single and two family dwellings and supportive non-residential development on sites served by both public water and sewers.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. one-family dwelling
2. two-family dwelling

B. Planning Board Site Plan approval

1. park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. home occupation

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station
2. outdoor recreation – participant

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-2F Residential Lot and Structure Dimensional Requirements

- | | | | |
|----|-------------------|-------------------|-------------------|
| 1. | Lot | <u>One family</u> | <u>Two family</u> |
| a. | area, minimum | 10,000 sq. ft. | 15,000 sq. ft. |
| b. | width, minimum | 80 ft. | 80 ft. |
| c. | depth, minimum | n/a ft. | |
| d. | coverage, maximum | n/a% | |
2. Principal Structure and attached accessory structures (one & two family dwellings)
- | | | |
|----|---------------------|----------------|
| a. | front yard minimum | 25 ft. |
| b. | side yard minimum | |
| | 1) one side | 10% lot width. |
| | 2) total both sides | 25 % lot width |
| c. | rear yard minimum | 10 ft. |
| d. | maximum height | 30 ft. |
3. Accessory structures - detached
- | | | |
|----|--------------------|---|
| a. | front yard minimum | Existing principal structure front line |
| b. | side yard setback | 10% lot width |
| c. | rear yard setback | 10 ft. |
| d. | maximum height | 12 ft. |

G. R-2F Non-residential Lot and Structure Dimensional Requirements

- | | | |
|----|-------------------|---------------------------------------|
| 1. | Lot | |
| a. | area, minimum | based on design, parking, yards, etc. |
| b. | width, minimum | 80 ft. |
| c. | depth, minimum | n/a ft. |
| d. | coverage, maximum | n/a % |
2. Principal Structure and attached accessory structures
- | | | |
|----|---------------------|----------------|
| a. | front yard minimum | 25 ft. |
| b. | side yard minimum | |
| | 1) one side | 15% lot width |
| | 2) total both sides | 30% lot width. |
| c. | rear yard minimum | 10 ft. |
| d. | maximum height | 30 ft. |
3. Accessory structures - detached
- | | | |
|----|--------------------|---|
| a. | front yard minimum | Existing principal structure rear building line |
| b. | side yard minimum | 15% lot width |
| c. | rear yard minimum | 10 ft. |
| d. | maximum height | 12 ft. |

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§230.3. A 7 R-TH Town House District (formerly R-5)

Intent:

The intent of this district is to permit residential and supportive non-residential development on sites in townhouse arrangements served by both public water and sewers-

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. town house

B. Planning Board Site Plan approval

1. park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. home occupation

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station
2. outdoor recreation – participant

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-TH Residential Lot and Structure Dimensional Requirements

Site Requirements

Minimum size parcel under development	3 acres
Minimum average gross land area/unit	6000 sq. ft.

1. **Lot**
 - a. area, minimum per dwelling unit 1600 sq.ft.
 - b. width, minimum of unit 16 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. **Principal Structure and attached accessory structures**
 - a. front yard minimum 20 ft.
 - b. side yard minimum
 - 1) building, one side 20 ft.
 - 2) building, total 60 ft.
 - 3) internal townhouse units 0 ft. (subject to NYSFPBC standards)
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
 - e. minimum distance between. bldgs. 40 ft.
3. **Accessory structures - detached**
 - a. front yard minimum Existing principal structure front line
 - b. side yard setback same as principal structure
 - c. rear yard setback 10 ft.
 - d. maximum height 12 ft.

G. R-TH Non-residential Lot and Structure Dimensional Requirements

1. **Lot**
 - a. area, minimum based on design, parking, yards, etc.
 - b. width, minimum n/a ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum n/a %
2. **Principal Structure and attached accessory structures**
 - a. front yard minimum 20 ft.
 - b. side yard minimum
 - 1) one side 15% lot width.
 - 2) total both sides 30% lot width.
 - c. rear yard minimum 10 ft.
 - d. maximum height 30 ft.
3. **Accessory structures - detached**
 - a. front yard minimum Existing principal structure rear building line
 - b. side yard minimum 15% lot width
 - c. rear yard minimum 10 ft.
 - d. maximum height 12 ft.

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§230.3. A 8 R-APT Apartment District (formerly R-4)

Intent:

The intent of this district is to permit multiple family residential and supportive non-residential development on sites served by both public water and sewers.

USES ALLOWED:

A. Office of Planning and Development issuing a building permit

none

B. Planning Board Site Plan approval

1. multiple family dwelling
2. park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. home occupation

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station
2. outdoor recreation – participant
3. nursing home/assisted living facility

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-Apt Residential Lot and Structure Dimensional Requirements

1.	Lot	<u>1 br apt.</u>	<u>2 br apt.</u>	<u>3 br apt.</u>
a.	area, minimum PER DWELLING UNIT	based on calculation of density, parking, yards, etc., 6000 sq. ft. 6750 sq. ft. 7500 sq. ft.		
b.	width, minimum	n/a	ft.	
c.	depth, minimum	n/a	ft.	
d.	coverage, maximum	n/a	%	
2.	Principal Structure and attached accessory structures			
a.	front yard minimum	35 ft.		
b.	side yard minimum			
	1) one side	33.3% total required side yard ft.		
	2) total both sides	60 ft. plus 4ft/ea 1ft bldg hgt over 35ft.		
c.	rear yard minimum	25 ft.		
d.	maximum height	n/a ft.		
e.	minimum distance between bldgs.	40 ft.		
3.	Accessory structures – detached			
a.	front yard minimum	Existing principal structure front line		
b.	side yard setback	33.3% total required side yard ft.		
c.	rear yard setback	25 ft.		
d.	maximum height	15 ft.		

G. R-Apt Non-residential Lot and Structure Dimensional Requirements

1.	Lot	
a.	area, minimum	based on design, parking, yards, etc.
b.	width, minimum	based on design, parking, yards, etc..
c.	depth, minimum	n/a ft.
d.	coverage, maximum	n/a %
2.	Principal Structure and attached accessory structures	
a.	front yard minimum	35 ft.
b.	side yard minimum	
	1) one side	15% lot width.
	2) total both sides	30% lot width.
c.	rear yard minimum	25 ft.
d.	maximum height	n/a ft.
3.	Accessory structures - detached	
a.	front yard minimum	Existing principal structure rear building line
b.	side yard minimum	15% lot width.
c.	rear yard minimum	25 ft.
d.	maximum height	15 ft.

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§230.3. A 9 R-MHC Mobile Home Court District (formerly T-2)

Intent:

This district accommodates an organized and managed grouping of individual mobile home units in portions of the Town served by public water and sewers.

USES ALLOWED:

A. Office of Planning and Development issuing a building permit

1. manufactured home

B. Planning Board Site Plan approval

1. mobile home court
2. park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | 6. marina, private |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station
2. outdoor recreation – participant

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |
| 8. Animals - Pets | See §230.4 A 1 |

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F. R-MHC Residential Lot and Structure Dimensional Requirements

1. Site Requirements

- a. Minimum parcel size for development - capacity for at least 100 mobile home units meeting all applicable requirements of this Code.
- b. Minimum gross land area/mobile home unit 7000 sq. ft./unit
- c. Minimum portion of gross land area as an on-site recreation area - not less than 700 sq. ft./unit

2. For purposes of interpretation and enforcement, leased land areas established for occupancy by dwelling units shall be considered a lot as defined in this Code. Any applicable dimensional standards shall apply to both principal and accessory structures.

3. See provisions of Chapter 144 Mobile Home Courts

G. R-MHC Non-residential Lot and Structure Dimensional Requirements

1. Lot

- | | | |
|----|-------------------|---------------------------------------|
| a. | area, minimum | based on design, parking, yards, etc. |
| b. | width, minimum | n/a ft. |
| c. | depth, minimum | n/a ft. |
| d. | coverage, maximum | n/a % |

2. Principal Structure and attached accessory structures

- | | | |
|----|---------------------|--|
| a. | front yard minimum | 20 ft. |
| b. | side yard minimum | |
| | 1) one side | 33.3% total required side yard |
| | 2) total both sides | 60 ft. plus 4ft/ea 1ft bldg hgt over 35ft. |
| c. | rear yard minimum | 10 ft. |
| d. | maximum height | n/a ft. |

3. Accessory structures – detached

- | | | |
|----|--------------------|---|
| a. | front yard minimum | Existing principal structure front line |
| b. | side yard setback | 33.3% total required side yard |
| c. | rear yard setback | 10 ft. |
| d. | maximum height | 12 ft. |

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230.3 A 10 LuR Limited use for riverfront (formerly T-3)

Intent:

It is the intent to maintain in this district the quality of environment generally associated with small, narrow riverfront lots improved with one family dwellings. This district is intended to accommodate the community needs, particularly of those riverfront areas or tracts which were created by default through the temporary occupancy permit system of the State of New York and, later on, from grants of these lots to the permit holders. For purposes of illustration of such intent, reference is made to the "Brewerton South Shore Tract" as more fully shown on a boundary survey map made by Richard J. Chiesa, licensed Land Surveyor, filed in the Onondaga County Clerk's Office on June 11, 1984 as Map No. 6179 consisting of three (3) sheets.

A. USES PERMITTED.

1. one family dwelling, provided that each lot shall have river frontage.
2. Not more than one dwelling structure, shall be permitted on a single lot at any time.
3. Accessory structures limited to: Boat dock, waterfront deck, single car garage and one accessory building not to exceed 100 square feet.

B. USES PROHIBITED.

1. All other uses.

C. LOT SIZES AND YARDS.

Every lot shall meet the following minimum requirements:

1. Yard depth from mean water level at river shore – 40 feet.
2. Yard depth from edge of paved or graveled edge of road – 25 feet.
3. Each side yard width – 8 feet.
4. Lot width measured at midpoints of side lines – 50 feet.
5. Minimum lot area – 7,500 square feet.

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§230.3 B Recreation Districts

Architectural Review Standards - The design, construction and materials of all structures in this district shall demonstrate compatibility to adjacent residential developments. Such factors may include architectural style of the building and its massing, roof line, exterior façade materials, color of materials, windows, doors and service areas and other aspects of the building design.

reserved for additional comments and common regulations for the following zones

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§230.3 B 1 Rec-1 Recreation District (based on C-9)

Intent:

The intent of this district is to preserve and enhance the quality of existing or planned residential areas. It allows for a variety of community and recreational uses to serve the needs of the residents of the Town. Uses and structures within this district shall emphasize the scale and design of any proposed uses to ensure compatibility with existing or planned residential development.

USES ALLOWED:

A. Office of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval

- | | |
|-------------------------------------|--|
| 1. school | 8. indoor recreation - participant |
| 2. day care center | 9. indoor recreation - spectator |
| 3. religious institution | 10. secondary use (retail, restaurant, etc.) |
| 4. library | 11. marina, private |
| 5. community center | 12. marina, public |
| 6. outdoor recreation - participant | 13. instructional facility |
| 7. outdoor recreation - spectator | 14. park/playground (private) |

C. Planning Board Special Permit approval

1. reserved

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. emergency vehicle station

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. Rec-1 Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 40, 000 sq. ft.
 - b. width, minimum 150 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum building 60 %
 - e. coverage, maximum total n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 75 ft.
 - b. side yard minimum
 - 1) one side 50 ft.
 - 2) total both sides 100 ft.
 - c. rear yard minimum 50 ft.
 - d. maximum height 35 ft.
 - e. maximum gross floor area n/a sq. ft.
 - f. maximum # floors n/a #
3. Accessory structures - detached
 - a. front yard minimum Existing Principal structure rear building line
 - b. side yard setback 25 ft.
 - c. rear yard setback 25 ft.
 - d. maximum height 30 ft.

G. Rec-1 Supplemental District Design Standards

1. Perimeter landscape strip 25 ft.
2. Additional setback where abutting residential district 50 ft.
3. Structure Design, scale and materials

Subject to site plan review - shall reflect and be sympathetic to the existing or planned character of residential structures in the surrounding area.

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§230.3C Office Districts

Architectural Review Standards - The design, construction and materials of all structures in this district shall demonstrate compatibility to adjacent residential developments. Such factors may include architectural style of the building and its massing, roof line, exterior façade materials, color of materials, windows, doors and service areas and other aspects of the building design.

reserved for additional comments and common regulations for the following zones

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§230.3 C 1 O-1 Neighborhood Office District (based on R-6)

Intent:

The intent of this district is to preserve the existing residential quality of the surrounding area while permitting alternative and compatible office development on selected sites that may not be suitable for residential use. This district shall emphasize the scale and design of any proposed office uses to ensure compatibility with existing or planned residential development.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval

1. office building
2. park/playground (private)

C. Planning Board Special Permit approval

1. medical Office
2. daycare center

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. reserved

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. O-1 Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 20,000 sq. ft.
 - b. width, minimum 100 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum building 25 %
 - e. coverage, maximum total 60 %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 35 ft.
 - b. side yard minimum
 - 1) one side 10% lot width
 - 2) total both sides 25 % lot width
 - c. rear yard minimum 20 ft.
 - d. maximum height 30 ft.
 - e. maximum # floors 2
 - f. maximum # principal buildings 1
 - g. maximum gross floor area 4,000 sq. ft.
3. Accessory structures - detached
 - a. front yard minimum Existing Principal structure rear building line
 - b. side yard setback 10% lot width
 - c. rear yard setback 20 ft.
 - d. maximum height 15 ft.
 - e. maximum floor area 500 sq. ft.

G. O-1 Supplemental District Design Standards

1. Perimeter landscape strip 15 ft.
2. Additional setback where abutting residential district 25 ft.
3. Structure Design, scale and materials
 - a. Subject to site plan review - shall reflect and be sympathetic to the existing or planned character of residential structures in the surrounding area.

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230.3 C 2 O-2 Office (based on C-1 & R-7)

Intent:

The intent of this district is to preserve the existing residential quality along portions of major roads within the Town. It shall also respect the general character of the surrounding area while permitting alternative and compatible office development on selected sites that are not suitable for residential use. This district shall emphasize the scale and design of any proposed office uses to ensure compatibility with existing or planned residential development

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval

1. office building
2. park/playground (private)

C. Planning Board Special Permit approval

- | | |
|--------------------------|---------------------|
| 1. school | 4. library |
| 2. day care center | 5. community center |
| 3. religious institution | |

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

- | | |
|------------------------------|---------------------------|
| 1. emergency vehicle station | 4. instructional facility |
| 2. bank-credit union | 5. drive-in service |
| 3. medical office | 6. secondary use |

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. O-2 Lot and Structure Dimensional Requirements

1. Lot

a.	area, minimum	40, 000 sq. ft.
b.	width, minimum	100 ft.
c.	depth, minimum	n/a ft.
d.	coverage, maximum building	30 %
e.	coverage, maximum total	70 %
f.	maximum gross floor area/lot	n/a sq. ft.

2. Principal Structure and attached accessory structures

a.	front yard minimum	35 ft.
b.	side yard minimum	
	1) one side	25 ft.
	2) total both sides	75 ft.
c.	rear yard minimum	50 ft.
d.	maximum height	30 ft.
g.	maximum # floors	2

3. Accessory structures - detached

a.	front yard minimum	Existing Principal structure rear line
b.	side yard setback	10 ft.
c.	rear yard setback	10 ft.
d.	maximum height	15 ft.

G. O-2 Supplemental District Design Standards

1. Perimeter landscape strip 15 ft.
2. Additional setback where abutting residential district 25 ft.
3. Structure Design, scale and materials

Subject to site plan review - shall reflect and be sympathetic to the existing or planned character of residential structures in the surrounding area.

4. Office Parks and multiple buildings on one lot

More than one principal land use and/or principal structure is permitted in this district subject, if applicable, to Subdivision Review and to site plan review for each lot development.

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§230.3 D Commercial Districts

Architectural Review Standards - The design, construction and materials of all structures in this district shall demonstrate compatibility to adjacent residential developments. Such factors may include architectural style of the building and its massing, roof line, exterior façade materials, color of materials, windows, doors and service areas and other aspects of the building design.

reserved for additional comments and common regulations for the following zones

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§230.3.D1 NC-1 Neighborhood Commercial District (based on C-2)

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 enhancing by encouraging adequate provisions for landscaped open space, attractive architecture and other amenities.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval

- | | |
|---|---------------------------|
| 1. retail use (less than 5,000 sq. ft.) | 4. bank-credit union |
| 2. personal service use | 5. medical office |
| 3. office building | 6. instructional facility |

C. Planning Board Special Permit approval

1. reserved

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

- | | |
|--|--|
| 1. emergency vehicle station | 4. retail use (5,000 – 15,000 sq. ft.) |
| 2. hospital/clinic | 5. drive-in service |
| 3. nursing home/assisted living facility | 6. secondary use |

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. NC-1 Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 40,000
 - b. width, minimum 150 n/a ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum building n/a %
 - e. coverage, maximum total n/a %
 - f. maximum gross floor area/lot 15,000 sq. ft.
2. Principal Structure and attached accessory structures
 - a. front yard minimum 50 ft.
 - b. side yard minimum
 - 1) one side 25 ft
 - 2) total both sides 50 ft.
 - c. rear yard minimum 25 ft.
 - d. maximum height 30 ft.
 - e. maximum # floors 2
 - f. maximum # principal structures n/a
3. Accessory structures - detached
 - a. front yard minimum 50 ft.
 - b. side yard setback 25 ft.
 - c. rear yard setback 25 ft.
 - d. maximum height 15 ft.

G. NC-1 Supplemental District Design Standards

1. Perimeter landscape strip 10 ft.
2. Additional setback where abutting residential district 25 ft.
3. Lot and Structure Design, scale and materials
Subject to site plan review - shall reflect and be consistent with the existing or planned character of the surrounding area.
4. Multiple buildings on one lot
More than one principal land use and/or principal structure is permitted in this district subject, if applicable, to Subdivision Review and to site plan review for each lot development.

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§230.3 D 2 HC-1, Highway Commercial - (based on C-2)

Intent:

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.

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.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval

- | | | |
|-------------------------|----------------------|-----------------------------------|
| 1. retail use | 4. bank-credit union | 7. public self-storage facility |
| 2. personal service use | 5. theater, indoor | 8. medical office |
| 3. office building | 6. shopping center | 9. outdoor retail sales & service |

C. Planning Board Special Permit approval

1. hospital/clinic
2. nursing home/assisted living facility
3. secondary use

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. 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 & rental | |

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. HC-1 Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 80,000 sq. ft.
 - b. width, minimum 200 ft. .
 - c. depth, minimum n/a ft.
 - d. coverage, maximum building n/a %
 - e. coverage, maximum total n/a %
 - f. maximum gross floor area/lot 30,000 sq. ft.
2. Principal Structure and attached accessory structures
 - a. front yard minimum 75 ft.
 - b. side yard minimum
 - 1) one side 50 ft
 - 2) total both sides 100 ft.
 - c. rear yard minimum 50 ft.
 - d. maximum height 35 ft.
 - e. maximum # floors 2
 - f. maximum # principal structures n/a
3. Accessory structures - detached
 - a. front yard minimum 75 ft.
 - b. side yard setback 50 ft.
 - c. rear yard setback 50 ft.
 - d. maximum height 25 ft.

G. HC-1 Supplemental District Design Standards

1. Perimeter landscape strip 20 ft.
2. Additional setback where abutting residential district 30 ft.
3. Lot and Structure Design, scale and materials
Subject to site plan review - shall reflect and be consistent with the existing or planned character of the surrounding area.
4. Multiple buildings on one lot
More than one principal land use and/or principal structure is permitted in this district subject, if applicable, to Subdivision Review and to site plan review for each lot development.

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§230.3.D 3 RC-1 Regional Commercial (based on C-3,5, 7 & 10)

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.

USES ALLOWED :

A. Office of Planning and Development issuing a building permit

- 1. reserved

B. Planning Board Site Plan approval

- | | | |
|-------------------------|---------------------|--|
| 1. shopping center | 6. restaurant | 11. nursing home/asst'd. living facility |
| 2. retail use | 7. theater, indoor | 12. public self-storage facility |
| 3. personal service use | 8. motel/hotel | 13. outdoor retail sales & service |
| 4. office building | 9. medical office | 14. veterinary care facility |
| 5. bank-credit union | 10. hospital/clinic | |

C. Planning Board Special Permit approval

- 1. reserved

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

- 1. 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 |

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. RC-1 Lot and Structure Dimensional Requirements

1. RC Site *The following site requirements shall supersede and override any of the following individual lot or structure requirements and shall **collectively** apply to all lots within the complex.*
- | | | |
|----|--|---------|
| a. | Minimum site area | 5 acres |
| b. | Site Perimeter landscape Strip | 30 ft. |
| c. | Additional Site Perimeter Landscape Strip abutting residential districts | 50 ft. |
| d. | Cumulative Coverage structure & pavement | 75% |

Required yards for an RC Site shall apply to all principal uses and structures within the RC Site. These yards are determined in the same manner as yards for an individual lot. These yards shall include within the same space any perimeter landscape strip required above. These site requirements shall apply to RC Sites occupied by a single principal use or multiple principal uses.

- | | | |
|----|------------------|---------|
| f. | Front yard | 100 ft. |
| g. | Side yard (each) | 75 ft. |
| h. | Rear yard | 75 ft. |

G. RC-1 Individual lot standards

1. Lot
- | | | |
|----|----------------------------|-------------|
| a. | area, minimum | n/a sq. ft. |
| b. | width, minimum | n/a ft. |
| c. | depth, minimum | n/a ft. |
| d. | coverage, maximum building | n/a % |
| e. | coverage, maximum total | 100 % |
| f. | maximum gross floor area | n/a sq. ft. |
2. Principal Structure and attached accessory structures - *These requirements apply to all structures within an RC-1 shopping center site.*
- | | | |
|----|--|--------|
| a. | front yard minimum | 0 ft. |
| b. | side yard minimum | |
| | 1) one side | 0 ft |
| | 2) total both sides | 0 ft. |
| c. | rear yard minimum | 0 ft. |
| d. | maximum height | |
| | 1) office bldg, motel/hotel, hospital/clinic,
nursing home/assisted living facility | 50 ft. |
| | 2) all other uses | 35 ft. |
| e. | maximum # floors | 4 |
3. Accessory structures - detached
- | | | |
|----|--------------------|-----------------------------|
| a. | front yard minimum | 0 ft. |
| b. | side yard setback | 0 ft. |
| c. | rear yard setback | 0 ft. |
| d. | maximum height | Same as principal structure |

H. RC-1 Supplemental District Design Standards

- | | | |
|----|--|---|
| 1. | Individual lot perimeter landscape strip | Subject to site plan review |
| 2. | Additional setback where abutting residential district | n/a ft. |
| 3. | Lot and Structure Design, scale and materials | Subject to site plan review. |
| 4. | Multiple principal uses or structures are permitted | Subject to site plan and/or
Subdivision Review, if applicable. |

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§230.3. D 4 LuC-1 Limited Use District for gasoline services (based on C-4)

Intent:

The intent of this district is to augment the uses of existing or planned general commercial districts with the enumerated limited uses. In this district it allows for the inclusion of motor vehicle and gasoline service facilities to serve the residents, employees and customers of surrounding residential neighborhoods or business areas.

USES ALLOWED:

A. Office of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval

1. gasoline service station
2. accessory uses related to the gasoline service station
 - retail service of automobiles conducted inside a structure
 - preparation and/or retail sale of food and other convenience store items
 - automobile car wash facility

C. Planning Board Special Permit approval

1. reserved

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. drive-in service

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230. 5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. LuC-1 Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum 40,000 sq. ft.
 - b. width, minimum 200 ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum building n/a %
 - e. coverage, maximum total n/a %
2. Principal Structure and attached accessory structures
 - a. front yard minimum 50 ft.
 - b. side yard minimum
 - 1) one side 25 ft.
 - 2) total both sides 50 ft.
 - c. rear yard minimum 25 ft.
 - d. maximum height n/a ft.
 - e. maximum gross floor area n/a sq. ft.
 - f. maximum # floors n/a
3. Accessory structures - detached
 - a. front yard minimum Existing Principal structure rear line
 - b. side yard setback n/a ft.
 - c. rear yard setback n/a ft.
 - d. maximum height n/a ft.

G. LuC-1 Supplemental District Design Standards

- Perimeter landscape strip 20 ft.
- Additional setback where abutting residential district 50 ft. (total)
- Lot and Structure Design, scale and materials
- Subject to site plan review - shall reflect and be consistent with the existing or planned character of the surrounding area.

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§230.3 D 5 LuC-2 Limited Use District for restaurants (based on C-8)

Intent:

The intent of this district is augment the uses of existing or planned general commercial districts with the enumerated limited uses. This district is to allow for restaurant land uses on sites that afford adequate parking, storage and related facilities in a manner that is compatible with the existing or planned character of surrounding commercial or industrial land uses, and with minimal or no adverse affect upon public facilities and environmental features.

USES ALLOWED :

- A. Office of Planning and Development issuing a building permit**
 - 1. reserved
- B. Planning Board Site Plan approval**
 - 1. restaurant
- C. Planning Board Special Permit approval**
 - 1. drive-in service
- D. ZBA Special Permit approval and optional advisory referral to the Planning Board**
 - 1. reserved
- E. Town Board Special Permit approval and optional advisory referral to the Planning Board**
 - 1. reserved

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. LuC-2 Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum n/a sq. ft.
 - b. width, minimum n/a ft.
 - c. depth, minimum n/a ft.
 - d. coverage, maximum building n/a %
 - e. coverage, maximum total n/a %

2. Principal Structure and attached accessory structures
 - a. front yard minimum 50 ft.
 - b. side yard minimum
 - 1) one side 25 ft.
 - 2) total both sides 50 ft.
 - c. rear yard minimum 25 ft.
 - d. maximum height n/a ft.
 - e. maximum gross floor area n/a sq. ft.
 - f. maximum # floors n/a

3. Accessory structures - detached
 - a. front yard minimum Existing Principal structure rear line
 - b. side yard setback n/a ft.
 - c. rear yard setback n/a ft.
 - d. maximum height n/a ft.

G. LuC-2 Supplemental District Design Standards

1. Perimeter landscape strip 15 ft.
2. Additional setback where abutting residential district 30 ft. (total)
3. Lot and Structure Design, scale and materials
Subject to site plan review - shall reflect and be consistent with the existing or planned character of the surrounding area.

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§230.3 E Industrial Districts

Introduction - The Industrial districts that are for those areas of the Town found to be suitable for heavy commercial and/or industrial activities. These activities comprise land uses and structures that are engaged in the large scale production or processing of raw materials; the transformation of materials from one form to another; the handling, storage or production of significant quantities of potentially hazardous or objectionable materials, and/or the use of dangerous or obnoxious processes used in the production or handling of materials. All of these activities are expected to require good access to transportation routes, extra attention for fire and emergency services, and may require specialized water or sanitary sewage services.

The districts are generally ordered in increasing level of intensity. Industrial District 1 is for lowest intensity types of industrial land uses - those that operate within enclosed structures and are least likely to have adverse impacts beyond their individual properties. Industrial 2 is for moderate intensity land uses that may have exterior activity, will tend to be larger in scale and may have more objectionable characteristics requiring more monitoring and mitigation measures. The S-1 Special Uses District is for high intensity land uses that may employ unique processes or materials which need to be sensitively placed within the Town.

1. Performance Standards for ALL Industrial Districts

- a. Noise.** No land use activity shall emit noises measured at the property lines of the subject property exceeding seventy (70) decibels(A) between 6 A.M. and 10 P.M., or sixty (60) decibels(A) between 10 P.M. and 6 A.M. These maximum sound levels may be intermittently exceeded by not more than seven (7) decibels(A) for a maximum of six (6) minutes during any sixty (60) minute period. Any land use activity on property that is entirely or partially within 500 feet of a Residential Zone District shall be subject to the more restrictive noise standards of either this section or of the Town of Clay Codes Chapter 152.
- b. Vibration.** No land use activity shall emit intermittently or as a result of normal operations any vibration that creates an unreasonable displacement as determined at the property lines of the subject property by the Commissioner.
- c. Dust and dirt.** No land use activity shall emit quantities of soot, cinders or fly ash measured at the emitting source, in excess of the more restrictive current standard of either the United State Environmental Protection Agency (EPA) or N.Y.S. Department of Environmental Conservation (NYS DEC). Other kinds of dust, dirt and other particulate matter shall not exceed any applicable emission standards established by either by EPA or NYS DEC. There shall be no dust and/or dirt generated by any other sources related to the land use activity as observed by the Commissioner crossing the property lines of the subject property.
- d. Smoke.** No land use activity shall emit smoke measured at the emitting source, in excess of the more restrictive current standard of either the United States Environmental Protection Agency (EPA), U.S. Bureau of Mines or N.Y.S. Department of Environmental Conservation (NYS DEC) as observed by the Commissioner.
- e. Noxious gases.** No land use activity shall emit such quantities of noxious acids, fumes, or gases in such manner and concentration as to endanger the health or safety of any person, or to cause or have a tendency to cause injury or damage to property, business or vegetation.
- f. Odor.** No land use activity shall emit any odor that is unreasonably offensive as determined by the Commissioner at the property lines.

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g. Lighting and Glare. No land use activity shall illuminate its property or engage in processes that emit direct or reflected glare that is determined by the Commissioner to be unreasonably intense or offensive when visible at the property lines. No lighting of signs, buildings or yards shall be allowed unless it is of such intensity, location, direction and shielding so as not to impair the vision of any motor vehicle driver. Any land use activity, structure or site improvement on property that is entirely or partially within 500 feet of a Residential Zone District shall be subject to the more restrictive lighting standards of either this section or of the Town of Clay Zoning Code Section 230-38 B (6) Illumination.

h. Radioactive materials. No land use activity shall emit any form or quantities of radioactive materials that are considered unsafe under standards established by the United States Bureau of Standards, and/or the N.Y.S Department of Labor.

i. Fire and safety hazards. All buildings, operations, storage, waste disposal, etc. shall be in accordance with applicable provisions of the N.Y.S. Uniform Fire Prevention and Building Code.

2. reserved for additional comments and common regulations for the following zones

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§230-3.E 1 I-1 Industrial 1 District

I-1 Intent:

The purpose of the I-1 district is to promote and accommodate those kinds of industrial uses that provide the logistical assembly, shipping, storage, servicing, or similar support for retail or other business uses. Non-industrial uses are limited to large office buildings or land uses that are essential to the district. These uses are expected to conduct all operations in one or more buildings organized in a well-planned setting and within enclosed structures in a clean, quiet manner that result in little or no exterior evidence of industrial activity and therefore can be compatible to nearby commercial or residential areas.

USES ALLOWED:

In addition to the following requirements, ALL land uses and/or structures shall comply with all relevant local, County, State or Federal permits and regulations prior to or as a condition of final zoning approval.

A. Department of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval and within enclosed structure

- | | |
|--|------------------------------|
| 1. office building (not less than 15,000 sq. ft. total floor area) | 5. warehouse |
| 2. exhibit hall | 6. manufacturing |
| 3. public self-storage facility | 7. emergency vehicle station |
| 4. wholesale | 8. cropland |

C. Planning Board Special Permit approval

1. accessory exterior activity of the permitted uses listed above

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. trucking terminal

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. Industrial 1 Lot and Structure Dimensional Requirements

1. Lot
 - a. area, minimum n/a
 - b. width, minimum n/a.
 - c. depth, minimum n/a
 - d. coverage, maximum building 60 %
 - e. coverage, maximum total 80 %
2. Principal Structures and attached accessory structures
 - a. front yard minimum
NYS or County Highway 200 ft.
Town or Private Highway 50 ft.
 - b. side yard minimums 25 ft.
 - c. rear yard minimum 25 ft.
 - d. maximum height n/a
 - e. maximum gross floor area n/a
 - f. maximum # floors n/a
3. Accessory structures - detached
 - a. front yard minimum Existing Principal structure rear line
 - b. side yard setback 25 ft.
 - c. rear yard setback 25 ft.
 - d. maximum height same as principal structure

G. Industrial 1 Supplemental District Design Standards

1. Front perimeter landscape strip (% of front yard depth) 50 %
2. Additional side or rear yards where abutting a non-Industrial district 50 ft.
3. Structure Design, scale and materials
 - a) When a new or modified land use and/or structure is proposed on any property that is entirely or partially within 500 feet of a Residential Zone District boundary then the reviewing board shall also consider the compatibility of the site and building design, scale of site development, and any impacts related to such development with the existing or planned character of those Residential zones.
 - b) Any open storage of materials or waste shall be screened from view from all property lines with a seven (7) foot high fence, hedge or similar opaque barrier. Such screening shall comply with applicable setbacks.
 - c) Architectural Review Standards - The design, construction and materials of all structures in this district shall demonstrate compatibility to adjacent residential developments. Such factors may include architectural style of the building and its massing, roof line, exterior façade materials, windows, doors and service areas and other aspects of the building design.

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§230-3. E 2 I-2 Industrial 2 District

I-2 Intent:

The purpose of the I-2 district is to promote and accommodate processes that primarily operate in clean and orderly manner that may involve exterior activities sensitive to environmental features and available public services. Other uses are permitted that provide the logistical assembly, shipping, storage, servicing, or similar support for retail or other business uses. This district should be located away from residential districts.

USES ALLOWED:

In addition to the following requirements, ALL land uses and/or structures shall comply with all relevant local, County, State or Federal permits and regulations prior to or as a condition of final zoning approval.

A. Department of Planning and Development issuing a building permit

1. reserved

B. Planning Board Site Plan approval

- | | |
|----------------------|--|
| 1. exhibit hall | 6. utility substation |
| 2. wholesale | 7. emergency vehicle station |
| 3. warehouse | 8. building products sale, storage and display |
| 4. trucking terminal | 9. cropland |
| 5. manufacturing | |

C. Planning Board Special Permit approval

1. reserved

D. ZBA Special Permit approval and optional advisory referral to the Planning Board

1. reserved

E. Town Board Special Permit approval and optional advisory referral to the Planning Board

1. heavy equipment sales, service, exterior storage and display
2. contractor's service yard
3. motor vehicle storage

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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F. Industrial 2 Lot and Structure Dimensional Requirements

**When a lot is surrounded on ALL sides (including across a highway ROW) by other Industrial zones the standards with the * asterisk apply.*

1. Lot
 - a. area, minimum n/a
 - b. width, minimum n/a
 - c. depth, minimum n/a
 - d. coverage, maximum building 60%----- * 75 %
 - e. coverage, maximum total 80%----- * 90 %

2. Principal Structures and attached accessory structures
 - a. front yard minimum
NYS or County Highway 200 ft.
Town or Private Highway 50 ft.
 - b. side yard minimums 25 ft.
 - c. rear yard minimum 25 ft.
 - d. maximum height n/a
 - e. maximum gross floor area n/a
 - f. maximum # floors n/a

3. Accessory structures - detached
 - a. front yard minimum Existing Principal structure rear line
 - b. side yard setback 25 ft.
 - c. rear yard setback 25 ft.
 - d. maximum height same as principal structure

G. Industrial 2 Supplemental District Design Standards

1. Front perimeter landscape strip (% of front yard depth) 50 % ----- * 25%
2. Additional side or rear yards where abutting a non-Industrial district 100 ft.
3. Structure Design, scale and materials
 - a) When a new or modified land use and/or structure is proposed on any property that is entirely or partially within 500 feet of a Residential Zone District boundary then the reviewing board shall also consider the compatibility of the site and building design, scale of site development, and any impacts related to such development with the existing or planned character of those Residential zones.
 - b) Any open storage of materials or waste shall be screened from view from all property lines with a seven (7) foot high fence, hedge or similar opaque barrier. Such screening shall comply with applicable setbacks.

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§230-3. E 3 S-1 Special Use District

S-1 Intent:

It is the purpose of the S-1 district to permit uses, that are likely to have objectionable features by issuance of a special permit by the Town Board. In order to control and mitigate the objectionable effects of a proposed use the special permit process is intended to be explicitly limited to the approved activity. Any change of use will require the issuance of a new special permit by the Town Board. To the maximum extent possible this district should be located in existing or planned industrial areas with substantial physical distances from residential neighborhoods. Furthermore, it shall be the on-going policy of the Town to strictly monitor these uses and to periodically evaluate their associated benefits and/or impacts upon the Town. Upon discontinuance of any of these uses, the Town will seek to establish new or zone districts that it finds to be compatible to the existing or planned developments within the vicinity of the site.

USES ALLOWED:

In addition to the following requirements, ALL land uses and/or structures shall comply with all relevant local, County, State or Federal permits and regulations prior to or as a condition of final zoning approval.

A. Town Board Special Permit approval and optional advisory referral to the Planning Board

- | | |
|--------------------|---|
| 1. rendering plant | 4. recycling bulk process facility |
| 2. slaughter house | 5. hazardous material storage |
| 3. dump | 6. bulk storage - liquid or gaseous hazardous materials |

B. Discontinuance or Change of an approved land use

1. Short-term discontinuance When an approved operating land use ceases operation for a period of at least 12 consecutive months a new application shall be submitted and reviewed to re-start the land use or to change land uses pursuant to the procedures required in A. above.
2. Long-term discontinuance: When an approved operating land use ceases operation for a period of 24 or more consecutive months the Town may initiate on its own action a zone change for the site to a zone district it finds to be consistent with the existing or planned development of the area surrounding the site.
3. Change in land use: Any change of an approved operating land use (currently functioning or discontinued less than 12 consecutive months) to a different land use allowed within this district shall require a new Special Permit by the Town Board, subject to procedures required in A. above.

Cross-reference to other commonly used regulations - see sections noted

- | | |
|---|----------------|
| 1. Definitions | See §230.2 |
| 2. Accessory Uses and Structures | See §230.4 A 1 |
| 3. Lot - Structure dimensional exemptions | See §230.4 A 2 |
| 4. Parking | See §230.4 B |
| 5. Signs | See §230.4 C |
| 6. Utility substation | See §230.5 D |
| 7. Highway Overlay Zone | See §230.3 G |

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D. S-1 Lot and Structure Dimensional Requirements

**When a lot is surrounded on ALL sides (including across a highway ROW) by other Industrial zones the standards with the * asterisk apply.*

1. Lot
 - a. area, minimum 5 acres
 - b. width, minimum n/a.
 - c. depth, minimum n/a.
 - d. coverage, maximum building 60 %
 - e. coverage, maximum total 80 %
2. Principal Structures and attached accessory structures
 - a. front yard minimum
 - NYS or County Highway 300 ft.-----*200 ft.
 - Town or Private Highway 100 ft.-----* 50 ft.
 - b. side yard minimums 50 ft.
 - c. rear yard minimum 50 ft.
 - d. maximum height 50 ft.
 - e. maximum gross floor area n/a.
 - f. maximum # floors n/a
3. Accessory structures - detached
 - a. front yard minimum Same as principal structure
 - b. side yard setback 50 ft.
 - c. rear yard setback 50 ft.
 - d. maximum height Same as principal structure

E. S-1 Supplemental District Design Standards

1. Front perimeter landscape strip (% of front yard depth) 50 % ----- *25%
2. Additional side or rear yards where abutting a non-Industrial district 100 ft.
3. Structure Design, scale and materials

a) When a new or modified land use and/or structure is proposed on any property that is entirely or partially within 500 feet of a Residential Zone District boundary then the reviewing board shall also consider the compatibility of the site and building design, scale of site development, and any impacts related to such development with the existing or planned character of those Residential zones.

b) Any open storage of materials or waste shall be screened from view from all property lines with a seven (7) foot high fence, hedge or similar opaque barrier. Such screening shall comply with applicable setbacks. that may be applicable to the proposed use or subject property.

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§230.3 F-- PDD - PLANNED DEVELOPMENT DISTRICT -

Contents of the PDD Section

- 230.3F 1. PLANNED DEVELOPMENT DISTRICT (PDD)** *Introductory section - intent and procedure overview*
- 230.3F 2. AUTHORIZATION FOR A PDD** - *Authorization stating basic land use, area and timing expectations.*

Note: The next three sections (§230.3F 3 - 5) describe the procedures for proposing , reviewing and adopting a PDD. During this entire process there will be frequent communication and interaction between the Town Board and Planning Board. The primary and advisory roles of each board will vary depending upon the step in the process.

230.3F 3. PDD CONCEPT PLAN REVIEW (STEP 1) - *(Town Board leads) is the initial consideration of the idea for a PDD. Section contains procedures for the Town Board, review criteria to evaluate the proposal, and submission requirements for this step.*

230.3F 4. PDD PROJECT PLAN REVIEW (STEP 2) - *(Planning Board leads) is the preparation and review of detailed plans and documentation for the proposed PDD. Section contains procedures for the Planning Board, review criteria to evaluate the proposal, and submission requirements for this step.*

230.3F 5. PDD ADOPTION (STEP 3) - *(Town Board leads) is the finalization of all plans and documentation that is to be considered for formal adoption by the Town Board. Section contains procedures for the Town Board, review criteria to evaluate the proposal, and submission requirements for this step.*

230.3F 6 IMPLEMENTING THE PDD - *Describes additional reviews that may be required for an adopted PDD to fulfill in order to initiate actual development.*

230.3F 7. MODIFICATIONS AND AMENDMENTS TO AN EXISTING PDD - *Standards and procedures to address routine and major changes that may occur.*

230.3F 8. PDD DEFAULT DIMENSIONAL AND PERFORMANCE STANDARDS - *A set of automatic DEFAULT land use and dimensional controls to be applied if the approved PDD documents purposely accept the default standards or inadvertently OMIT establishing a specific regulatory control.*

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§230.3F 1 PLANNED DEVELOPMENT DISTRICT (PDD)

A. Intent

This district allows for a variety of land uses and a flexible arrangements of lots, structures, and land uses in a well-planned and coordinated design. The flexibility of land uses and lots is achieved by the Town continuously participating in and approving stages of project planning and development. Any combination of land uses already permitted within the Town may be proposed for development on sites under this district. This district is also intended to accommodate land uses or scales of development that may be unique or require more consideration by the Town. This district may be applied anywhere in the Town provided the project scale and design is found to further Town planning goals and to be compatible and coordinated with the environmental constraints and the existing and/or planned availability of public water, sewer, drainage, and transportation facilities.

Substantively and procedurally the PDD is intended to promote and maintain a dialogue between the applicant and the Town. The PDD enables both the applicant and the Town to customize the development of a site in ways that are not feasible in conventional zone districts. The development standards are NOT predetermined but are created jointly by the applicant and the Town via the procedures set forth in this section.

B. Procedure Overview

The classification of any property within the Planned Development District (PDD) requires the undertaking of a three-step process involving the approvals from both the Town Board and the Planning Board.

*In the first step - **Concept Plan Review**, the Town Board in its legislative capacity establishes the boundaries of the proposed PDD and sets the limits on the nature and range of uses, geometric and site controls and overall project planning. The Town Board's action is in response to the applicant's submission of a general outline that sets forth the contemplated development for the proposed PDD. **This step begins a dialogue between the applicant and the Town. And it does NOT commit the Town Board to adopt a PDD zone change in the final step of this process.***

*In the second step - **Project Plan Review**, The Planning Board is delegated by the Town Board to be responsible for ensuring that the general concept outline approved by the Town Board will properly implemented. The Planning Board achieves compliance by reviewing and approving the Project Plan submitted by the applicant. The Project Plan is the detailed narrative and graphic documentation for the development of the entire PDD.*

*The final steps - **Implementation and Enforcement** are through a formal Zone Change by the Town Board and Site Plan and/or Subdivision Reviews of individual sites or portions of the PDD by the Planning Board that ensure the actual construction and development fully implement the Concept and Project Plans adopted in the formation of the PDD.*

§230.3F 2 AUTHORIZATION FOR A PDD

A. Type of Action

Establishment of a Planned Development District (PDD) is a zone change to the zoning map made by the Town Board, pursuant to the requirements of the N.Y.S. Town Laws governing the formation and modifications of zone districts, the local requirements of the Town of Clay and the procedures of this section.

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B. Application to Specific Lands

The PDD regulations are applied and effective to only a specific area that may include more than one property. The zoning map is amended, upon adoption of an approval resolution by the Town Board of a PDD Project Plan pursuant to the requirements of this section. No permits or other approvals are issued until the zone change has been approved by the Town Board as stipulated in PDD ADOPTION (Step 3).

Land Uses Permitted

1. Generally - The Town Board shall specify the land uses permitted within the PDD when the Concept Plan for such district is accepted and may identify specific uses for lots or sub-areas within the PDD. The Town Board may establish the unit densities and other dimensional and performance standards for all uses. If the Town Board chooses not to establish such standards, then the provisions of PDD DEFAULT DIMENSIONAL AND PERFORMANCE STANDARDS of this section shall apply.
2. Pre-assigned Land Uses - The PDD shall also be used to address uses which, due to their size or character, have potentially significant impacts and require maximum review of location, scale and design. The following uses shall be permitted only in a PDD upon **specific** approval of the Town Board:

Public or private airport
Theme - amusement park
Resort Complex - Conference Center
RESERVED FOR FUTURE LAND USE

3. Minimum PDD Area

- a. Minimum area - No PDD shall have a gross land area of less than twenty-five (25) acres, exclusive of existing public rights-of-way, unless otherwise specified by the Town Board.
- b. Adding area - Once established, a PDD may be enlarged to include other contiguous areas regardless of their size. Such areas, if separated by a public right-of-way, may be considered contiguous if in the opinion of the Town Board the continuity of the original PDD is maintained or enhanced.

C. Phased Development

1. PDD Sub-Areas - The Town Board may identify portions of a PDD as discrete geographic sub-areas of the project. Such designated sub-areas (sections or phases) may have land uses or standards different from the balance of the PDD provided that such designated sub-areas are fully integrated in the overall development for the entire PDD.
2. Project Staging - The Town Board may establish the sequence in which development of a PDD shall proceed by specifying the order in which sub-areas, sections or phases of a PDD are to be developed. If not specified by the Town Board, the Planning Board may, on its own initiative during the Project Plan Review, establish a sequence of project staging or approve a proposed sequence by the applicant.
3. Review of Project Phases - If a proposed PDD is to be undertaken in a staged development, the Town Board, during Concept Review, may phase the schedule of the Planning Board's Project

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Plan Approval to correspond with the approved project staging. The first phase shall consist of a minimum of 25% of the total PDD area.

§230.3F 3 PDD CONCEPT PLAN REVIEW (STEP 1)

*In the first step - **Concept Plan Review**, the Town Board in its legislative capacity establishes the boundaries of the proposed PDD and sets the limits on the nature and range of uses, geometric and site controls and overall project planning. The Town Board's action is in response to the applicant's submission of a general outline that sets forth the contemplated development for the proposed PDD. **This step begins a dialogue between the applicant and the Town; and it does NOT commit the Town Board to adopt a PDD zone change in the final step of this process.***

A. Concept Plan Review Procedures

1. **Receipt and Referral** - An applicant wishing to propose a PDD shall prepare and submit documents (see Concept Plan Submissions) to the Town Board. Upon receipt of a PDD proposal, the Town Board; can accept or refuse to consider the proposal for further action. If the Town Board accepts the PDD proposal for consideration it shall refer the PDD submission documents to the Planning Board for its advisory opinion on the formation of the PDD. The Planning Board shall respond to the Town Board with a written report of its findings and recommendations within a time period established by the Town Board, to be not less than thirty days and not more than 90 days unless modified by mutual agreement of the Town Board and Planning Board.
2. **SEQR** - The Town Board shall declare itself lead agency for purposes of the NYS Environmental Quality Review Act and shall determine if the proposed PDD is a Type 1 or Unlisted Action and make the appropriate notification or referrals to the applicable municipalities, involved or interested agencies or other levels of government.
3. **Review and Discussion** - Prior to any informational or public hearing the Town Board may meet with the applicant, the Planning Board or other interested parties to discuss the PDD proposal.
4. **Informational Hearings** - The Town Board may hold an informational hearing; after which and upon the consideration of the recommendations by the Planning Board and other agencies, it may proceed to act on the proposed PDD Concept Plan.
5. **Concept Plan Acceptance** - The Town Board shall consider the proposal and vote to accept, modify or reject the PDD Concept. If the Town Board accepts or modifies the PDD Concept it shall prepare a written resolution indicating its findings and its willingness to entertain a zone change upon completion of a PDD Project Plan. It shall also authorize the Planning Board to engage in the review and possible approval of a PDD Project Plan. It may instruct the Planning Board of the specific land uses, nature of buildings, minimum area and geometric controls to be maintained in the PDD or in designated sub-areas, project phasing and a timetable of Planning Board review. The resolution shall include a copy of the accepted written and graphic PDD Concept plans, any SEQR-related materials, and other relevant information.
6. **Concept Plan Acceptance Date** - The date of Town Board acceptance only initiates the second review phase of the PDD procedures. Upon concept acceptance the PDD is NOT in effect and the applicant does NOT obtain vested rights for development.

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B. Concept Plan Review Criteria

The Town Board shall find that approval of a PDD Concept is reasonable and appropriate in furthering the overall land development policies and goals of the Town. In making this determination the Town Board shall consider and record in its resolution of acceptance how the proposed PDD address the following:

1. Comprehensive planning activities of the Town of Clay.
2. Applicable infrastructure plans and policies.
3. Applicable environmental policies and programs.
4. Responds to conditions or issues not previously addressed by the Town of Clay.

C. Concept Plan Submission Requirements

In order to obtain the conceptual approval of the Town Board for the establishment of a Planned Development District a Concept plan of the proposal shall be submitted comprised of the following components:

1. Narrative component - A brief written narrative outlining the applicant's overall concept for the proposed PDD including, but not limited to the following: an explanation of how the proposed PDD conforms to Concept Plan Review Criteria, the range and mix of land uses, development density, building types, impact upon existing and provision for public facilities, points of access, parking, open space/recreation areas, project financing and phasing, and other applicable items.
2. Graphic component - A generalized graphic plan of the entire site, drawn to a scale that reasonably depicts the land use, development patterns, density and improvements addressed in the applicant's narrative statement.
3. Project Schedule - An outline of the expected sequence and duration to fully implement and construct the entire PDD.
4. SEQR - The Long Environmental Assessment forms (LEAF), as determined by the Town, in accordance with the N.Y. State Environmental Quality Review Act (SEQR).
5. Survey - Survey(s) or tax maps of the property or properties proposed for inclusion in the PDD as part of the graphic component.
6. Zone Change Application forms - forms as required by the Town of Clay, available from the Department of Planning and Development.

§230.3F 4 PDD PROJECT PLAN REVIEW (STEP 2)

*In the second step - **Project Plan Review**, The Planning Board is delegated by the Town Board to be responsible for ensuring that the general concept outline approved by the Town Board will properly implemented. The Planning Board achieves compliance by reviewing and approving the Project Plan submitted by the applicant. The Project Plan is the detailed narrative and graphic documentation for the development of the entire PDD.*

This step begins with the following actions of the Planning Board and concludes with a recommendation to the Town Board.

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A. Project Plan Review Procedures

1. Transfer to the Planning Board Upon acceptance of a PDD Concept Plan by the Town Board the Planning Board shall begin with the applicant the development of a PDD Project Plan.
2. Submittals - The Project Plan is a substantial elaboration of the Concept Plan accepted by the Town Board. It is a significantly more detailed narrative and graphic documentation for the development of the entire land area or of designated sub-areas within the PDD (see Submission Requirements). The applicant shall prepare and submit Project Plan materials to the Planning Board. The applicant may submit materials immediately following PDD Concept Plan acceptance by the Town Board. All materials shall be prepared and completed to the satisfaction of the Planning Board.
3. Review Schedule Unless otherwise specified by the Town Board, the Project Plan shall be acted upon by the Planning Board within 180 days of the approval date of the PDD Concept Plan by the Town Board. Any time within this period the Planning Board or the applicant may request or recommend to the Town Board a modification of this schedule. Failure to obtain Project Plan acceptance within the required time limits shall cause the Concept Plan authorization to lapse.
4. SEQR - A thorough analysis of environmental issues shall commence during this stage of the PDD review process under the authority of the Town Board. The Town Board may retain oversight responsibility or it may direct the Planning Board to oversee the preparation and completion of any environmental analysis or DEIS. In either case, the Planning Board shall advise the Town Board on the scope and the necessity for a preparation of an environment analysis or a Draft Environmental Impact Statement (DEIS).
5. Analysis, Review, Discussion and Referrals - During its review the Planning Board shall engage in a substantive review of the Project Plan. It may meet with applicant, government agencies or other interested parties to improve its understanding of the proposal. The Planning Board may refer the proposed Project Plans to appropriate governmental agencies for any advisory opinion or recommendation. The Planning Board shall direct the preparation of a written report of the Board's interim analysis, findings and progress.
6. Informational Hearings - The Planning Board may hold informational hearings for fact-finding and to gather community input.
7. PDD Project Plan Review Completion The Planning Board shall, when it concludes its analysis and review (1 thru 6 above) vote to recommend that the Town Board accept, accept with modifications or reject the PDD Project Plan. It shall base its recommendation upon finding that the proposed Project Plan is in accordance with the approved Concept Plan, the Town Subdivision Regulations, and all applicable codes and regulations of Onondaga County and New York State.
8. Planning Board Recommendation - The Planning Board shall, if it finds that all materials and information are acceptable, direct the preparation of a written report to the Town Board containing its findings and recommendations. The report shall include, if appropriate, the accepted written and graphic PDD Project Plans, a PDD construction and development schedule, recommended methods of implementation following final PDD adoption, a draft DEIS or recommended SEQR findings, and any other relevant materials.

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B. Project Plan Review Criteria

The Planning Board shall determine that approval of a PDD Project Plan is reasonable and appropriate in meeting the objectives of the accepted Concept Plan and that the Project Plan furthers the overall land development policies and goals of the Town. In making this determination the Planning Board shall apply its collective experience and judgement to evaluate the appropriateness of the development proposed in the Project Plan. It shall also consider and record in its resolution of recommendation to the Town Board how the proposed PDD addresses the following:

1. Uses & Structures - The variety and arrangement of land uses and structures throughout the proposed development is appropriate for the site. The Planning Board may not specifically prohibit nor permit uses or structures not similarly authorized by the Town Board.
2. Dimensional Standards - The Planning Board shall ensure compliance of the Project Plan guided by the Town Board resolution conceptually accepting the PDD. It shall evaluate the Project Plan with respect to the minimum area and geometric controls and other standards set forth by the Town Board or the default standards of this section if not specifically modified by the Town Board. It shall evaluate the appropriateness of the proposed density of development and other factors it finds relevant such as location, community needs, public infrastructure and relationship to surrounding development.
3. Subdivision Review - In anticipation of PDD acceptance and potential subdivision action the Planning Board may simultaneously review any proposed subdivision sketch plans to determine conformance to Town Subdivision Regulations.
4. Other Zoning Reviews - The Planning Board shall specify recommended zoning review processes and permits that will control and monitor the implementation of the PDD.

Feasibility of Completing the PDD - The Planning Board shall evaluate and comment whether the proposed sequence, staging and expected schedule for implementing the PDD can be achieved in the manner described. It shall seek to identify any public infrastructure or improvements that are related to or contingent upon the successful completion of the proposed PDD and set forth a preliminary schedule of PDD milestones that are to be achieved after adoption.

C. Project Plan Submission Requirements

1. Project Plan Submissions - The Project Plan of the entire site must include graphic documentation, maps, drawings and other materials that show at a sufficient scale and detail to allow the Planning Board to evaluate the feasibility and impacts of the proposed development.
 - (a) Site plans for all construction areas preliminarily showing approximate size, height, and bulk of buildable areas.
 - (b) Preliminary Landscaping plans showing all open space, plazas, malls, courts, and pedestrian ways, ponds, waterways or similar landscaped features.
 - (c) Preliminary grading plans showing existing and proposed topographic contours and any significant natural or sensitive environmental resources.

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- (d) Improvement plans showing existing and proposed drainage, water and sewer facilities, easements, if any, within or affected by the proposed development.
 - (e) Vehicular and pedestrian circulation plans showing proposed streets, points of access, sidewalks and off-street parking and loading to serve any proposed building or facilities.
 - (f) Proposed construction schedule, sequence of development, project financing and preliminary milestones to be achieved from time of adoption to completion.
 - (g) Preliminary contract and filing documents between applicant and Town for any public facilities, districts, enforcement and management of the PDD.
2. Supporting and Explanatory Material - The Planning Board may require the submission of additional material to explain and justify the Project Plan, which could include but is not limited to the following:
- (a) Information necessary to assure compatibility of the proposed project with adjoining existing uses and to town planning objectives.
 - (b) An explanation of the manner in which all requirements of the Project Plan and of other applicable regulations are to be met.
 - (c) Expected treatments or project-wide strategies for issues such as: signs, lighting, snow storage, building and site aesthetics.
 - (d) Impact and relationship to existing or proposed public services such as: public infrastructure; solid waste collection; emergency vehicle, police and fire protection.

§230.3F 5 PDD ADOPTION (STEP 3)

*The final steps - **Implementation and Enforcement** are through a formal Zone Change by the Town Board and Site Plan and/or Subdivision Reviews of individual sites or portions of the PDD by the Planning Board that ensure the actual construction and development fully implement the Concept and Project Plans adopted in the formation of the PDD.*

A. PDD Adoption Procedures

A PDD takes effect only upon the Town Board's approval or approval with modifications of a zone change incorporating the PDD Project Plan accepted by the Planning Board and according to the PDD Criteria for Adoption and Submission Requirements.

1. Recommendation to Town Board - The Planning Board completes and returns its written recommendation of the Project Plan to the Town Board. Upon receipt the Town Board may proceed to considering a zone change for the proposal.
2. Hearings, Referrals and SEQR - The Town Board shall pursuant to law and this Code conduct a public hearing(s), make all required referrals not previously completed, and finalize the SEQR process.
3. Project Plan Action - The Town Board shall approve, approve with modification or disapprove the PDD Project Plan referred by the Planning Board. The Town Board resolution shall explicitly state that the proposed dimensional controls are accepted or the default dimensional and

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performance standards apply. It shall also explicitly state the accepted staging and schedule to implement and construct the proposed PDD

4. Zone Change Action - Upon Project Plan adoption the Town Board shall vote to grant the zone change and file its action pursuant to local and State requirements.
5. Filing of Approvals - The PDD shall be effective upon proper execution and filing of all documents, contracts and plans as a supplement to the zoning map.

B. PDD Criteria for Final Adoption

1. The Town Board shall confirm or modify and re-state its findings of Town goals addressed in the Concept Plan (Step 1) Acceptance above.
2. The Town Board shall confirm that the PDD Project Plan (Step 2) fulfills the expectations established in the Concept Plan accepted or as subsequently modified.

C. PDD Adoption Submission Requirements

1. Forms and documentation - copies of materials approved by the Planning Board.
2. Reports, Referrals and Recommendations - any documents developed or received by the Planning Board during Project Plan review.
3. Survey(s) and legal descriptions of properties included in the entire PDD.
4. SEQR documentation, DEIS and preliminary draft Findings (if prepared).
5. Final drafts of all contracts, filing documents and plans and enforcement instructions.

§230.3F 6 IMPLEMENTING THE PDD

This section identifies processes that are anticipated to be necessary following Town Board approving action on the PDD, and depending on the specifics of the proposal, to allow for actual construction and occupancy of a PDD proposal. These processes will address development of PDD project details and potential project changes that are fully consistent with the approved Project Plan. These other permits and approvals may be obtained by the applicant pursuant to the requirements of those individual processes and/or the requirements specified in the resolution adopting the PDD.

A. Town Permits

1. Construction Compliance Any use or structure, open space, infrastructure improvement or regrading shall be established pursuant to the standards set forth in the adoption of the PDD.
2. Site Plan & Special Permit Subject to the instructions of the Town Board in final resolution of PDD adoption, the standards, procedures and submission requirements of Site Plan and/or Special Permit are to be applied for those individual uses, structures, or improvements.
3. Subdivision Review - The standards and procedures of the Town Subdivision Regulations for the establishment of any new lot configurations.

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4. All Other Town Permits Building, highway access and similar permits are required to be obtained pursuant to their respective permit requirements.

B. Other Permits

All Other Agency Permits Required from Federal, State or County shall be obtained prior to on-site development activity.

C. Failure to Implement the PDD

The Town Board may consider, after notification to the developer-applicant, re-zoning actions to alternative zone districts if the PDD construction of the entire project or of specified phases is not completed or if adopted PDD milestones are not achieved within [18] months of the approved PDD project schedule.

§230.3F 7 MODIFICATIONS AND AMENDMENTS TO AN EXISTING PDD

This section describes how changes are addressed after a PDD has been adopted, constructed and/or occupied. All changes to an existing PDD will be regulated by the following provisions: changes that will affect individual lots that have been subsequently established after the PDD adoption will require approval by the Commissioner or the ZBA; changes that are directed to the entire PDD or to an identified stage of the PDD will require review by either the Planning Board or Town Board depending on the perceived effect.

A. Minor Modifications Affecting One (1) Property

The Commissioner of Planning and Development shall evaluate all modifications and may either refer the proposal for consideration of a Variance by the ZBA or approve minor modifications for development with the PDD pursuant to the following:

1. Thresholds
 - a) The proposed change is applicable to one property within the PDD.
 - b) The proposed change complies with the land use, dimensional and performance standards.
 - c) There is no change in the defined land use.
 - d) The basic physical relationship and function of buildings and improvements is maintained.
2. Criteria - The Commissioner can find that the proposed modification does not: require any modification of applicable standards, substantially alter the property from the approved plan and does not change the relationship to surrounding properties or improvements.
3. Procedure - The Commissioner shall process and document the approval of such modifications in a manner consistent with the general procedural and enforcement provisions of this Code. The Commissioner may issue a building permit, certificate of compliance or similar approvals (e.g. minor subdivision or site plan adjustments) when authorized by this Code.
4. Waivers of PDD standards - The Commissioner finds that the change for a proposed development, improvement, or modification fails to comply with the land use, dimensional or performance standards adopted for the specific PDD and shall be subject to the procedures and standards for issuance of a Use or Area Variance by the Zoning Board of Appeals.

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5. Transfer to Planning Board or Town Board - The Commissioner may require any requested modification to be submitted for a PDD Intermediate Design and Land Use Modification by the Planning Board or to the Town Board for a Major Modification.

B. Intermediate Modifications - Project Plan Amendment

Existing or approved PDD land uses, structures and improvements may be altered or modified after the effective date of PDD adoption. Unless otherwise required by the Town Board or Planning Board such modifications shall be subject to the issuance of a Project Plan Amendment by the Planning Board pursuant to the following:

1. Thresholds

- a) There are change(s) in type or location of approved land uses within the same general land use category (e.g. residential, commercial, industrial) and within the same PDD section identified in the approved Project Plan.
- b) Increase in floor area in excess of 10% of a principal or accessory structure.
- c) Demolition of a principal structure, except where mandated by an appropriate official in the interest of public safety.
- d) Establishment or realignment of new streets or other public/ common areas.
- e) Any change, except routine replacement and maintenance, to landscaping, open space, parking, public facilities or other improvements addressed in the project plan.

2. Criteria - The Planning Board shall find that the proposed modification does not substantially alter any modification of applicable standards, maintains the basic relationship of the property to the approved Project Plan and maintains the basic relationship to surrounding properties or improvements.

3. Procedure - The Planning Board shall review and consider a Project Plan Amendment under procedures set forth in this section for adoption of a Project Plan (Step 2) EXCEPT that Town Board approval shall not be required.

4. Transfer to Town Board - The Planning Board may, at any time, find that the proposed modification substantially alters the Project Plan and require the requested modification to be submitted for a PDD Major Amendment by the Town Board.

C. Major Modifications

Any modification not addressed by the minor or intermediate modifications above, exceeding the limits established at the inception of the district, or expanding or altering the PDD boundary shall be reviewed and approved by the Town Board, subject to the procedures for establishing a PDD (Steps 1, 2 & 3).

D. Non-conformities

It is the intent of the PDD that no non-conforming elements will exist within the PDD. The flexibility of the land use and geometric controls and review procedures should prevent the creation of any non-conforming element. In the event that a non-conformity does exist, any subsequent changes shall conform to the PDD controls and shall be subject to an issuance of a project plan amendment by the Planning Board (see Intermediate Modifications).

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§230.3F 8 PDD DEFAULT DIMENSIONAL AND PERFORMANCE STANDARDS

The following standards are intended to assist the Town by avoiding any enforcement oversight or ambiguity. A PDD is intended to promote flexibility and creativity of design, therefore the following will apply in the ABSENCE of specifically established standards by the Town Board.

Unless the Town Board establishes other controls or standards at the inception of the District, the following shall apply uniformly, **by default** to the entire PDD or to designated portions.

A. Land uses

There are no default land uses in a PDD.

B. Dimensional Controls

The following controls shall apply, **unless specifically modified** by the Town Board during the initial establishment of the PDD:

1. **Distance Between Buildings on one lot**

- (a) Residential: front, rear and side yards for residential uses shall be designed so that a building is **no closer than 20 feet** to any other residential building and 50 feet to any nonresidential building.
- (b) Non-Residential: front, rear and side yards for non-residential uses shall be designed so that a building is **no closer than 30 feet** to any other non-residential building and 50 feet to any residential building.
- (c) For purposes of interpretation, a structure which contains both residential and non-residential uses shall comply with the requirements of 1. (b), above.
- (d) Accessory Structures: Shall be **no closer than 10 feet** to the principal structure with which they are associated and **no closer than 20 feet** to any other principal structure, and 5 feet to any other accessory structure.

2. **Distance from Lot Lines:**

The minimum distance between any point on a principal building and the lot line shall **not be less 10 feet.**

3. **Density of development:**

Unless the Town Board has otherwise established a minimum density-then all residential development shall provide a **average density of [5,000] square feet per dwelling unit.** Commercial and industrial uses shall maintain an average minimum density of **[20,000] square feet per building.**

4. **Lot Coverage:**

Maximum lot coverage for all development within a PDD shall **not exceed 35%** of the gross land area.

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5. Height:

The maximum height of all principal structures shall not exceed 35 feet for residential buildings and 40 feet for commercial or industrial buildings and accessory structures shall not exceed 15 feet.

6. Parking/Loading:

The parking and loading provisions of this Zoning Code shall apply to PDDs unless modified by the Town Board. Shared parking and storage may be included in the calculation of overall parking compliance.

7. Supplementary regulations and site plan standards

Unless modified by the Town Board when establishing the PDD, the supplementary regulations and site plan standards of this zoning Code shall apply to all development within the PDD.

C. Performance Standards

Unless modified by the Town Board when establishing the PDD, the Performance Standards applicable to all Industrial Districts shall apply.

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§230.3 G Overlay Districts

RESERVED FOR COMMENTS AND COMMON REGULATIONS

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§230.3 G 1 -- Highway Overlay Zone District

Intent - The purpose of this overlay district is to foster and maintain a balance between major highways or roads within the Town and private development on lands abutting these roads. These major routes are identified, from time to time, based on variety of factors. These factors include traffic volume, highway functional classification, portion and extent of the Town served by that route. The balance between road and development sought is 1. to protect the proper function of the highway by minimizing adverse effects of development on highway safety or efficiency. 2. To preserve the long term ability for a highway to improve and expand and 3. to protect abutting development from adverse effects of the highway. This overlay district attempts to achieve this balance by superimposing on the conventional underlying zone districts additional standards upon vehicular access points, and lot width, depth and setbacks. This district will not alter the allowable land uses permitted within any district affected.

A. Application

The highway overlay zone district applies to lots adjacent to or abutting designated highways. This overlay district imposes dimensional controls in addition to the conventional underlying zone district requirements. In the event that there is a difference or conflict with other sections of this code then the more restrictive or largest minimum requirements shall apply.

B. Designated Highways

1. Designated Major Highway: A road identified within this local law, used primarily for the through movement of vehicles, and subject to overlay zone district restrictions. There are several types or levels of major highway: A, B, & C. Type A are those that are currently, or have the potential for becoming five (5) or more travel lanes in width. Type B are those that are currently, or have the potential for becoming four (4) travel lanes in width. Type C are considered major roads but are unlikely to become four travel lanes in width.

2. The following roads are hereby determined to be major roads within the Town of Clay and hereafter referred to as designated major highways. The precise linear extent of the overlay zone for each road shall be generally from the center of one intersection to another, or from town boundary to an intersection, as described in the Local Law designating a highway or road to be Type A, B or C.

Type A:

NYS Rt. 31

Type B:

Morgan Rd

Rt.11

Rt 57 (Oswego Rd.)

I-481

South Bay Rd.

East & West Taft Roads

Henry Clay Blvd. (Rt. 31 to south town line)

Type C:

Bear Rd

Buckley Rd

Caughdenoy Rd

VerPlank Rd.

Vine St.

Wetzel Rd. (Buckley Rd. to Rt. 57)

Henry Clay Blvd. (Rt. 31 north to Oak Orchard Rd.)

3. Designated Minor Highway – A road identified within this local law fulfilling similar transportation objectives as Designated Major Highways but lower traffic volumes and capacity.

Reserved for designated minor highways

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C. Schedule of Requirements

1. Lots w/access: Lots that are existing or proposed which, due to the lot configuration or a lack of alternative road frontage, require direct vehicular driveway access to the Type A, B or C highway.
2. Lots w/o access: Lots that are existing or proposed which have or can have direct vehicular driveway access to a non-designated highway or local street, and have no planned or permitted vehicular access directly onto a Type A, B or C highway.

<u>Lot Area and Frontage</u>	<u>Lots w/access</u>	<u>Lots w/o access</u>
Lot area, minimum		
Type A	2 x min. area	conventional zone district
Type B	1.75 x min. area	"
Type C	1.5 x min. area	"
Minor Hwy.	1.25 x min. area	"
Lot frontage, minimum		
Type A	2 x min. frontage	conventional zone district
Type B	1.75 x min. frontage	"
Type C	1.5 x min. frontage	"
Minor hwy.	1.25 x min. frontage	"

If there is no required minimum lot width or frontage in the underlying conventional district then lots affected by the overlay shall have a 200 ft. minimum frontage and a 200 ft. minimum depth.

D. Designated Highway Setback

Designated Highway Setback: The required distance, measured perpendicularly from the existing **highway pavement centerline** into the lot and within which no structure or parking shall be placed unless provided for in this code.

	<u>All Lots</u>
Principal Structure	
Type A	165 feet
Type B	140 feet
Type C	115 feet
Minor Hwy.	100 feet
Accessory structure (e.g. swimming pool, storage shed)	
Type A	115 feet
Type B	90 feet
Type C	65 feet
Minor Hwy.	50 feet
Parking Area	
Type A	90 feet
Type B	70 feet
Type C	55 feet
Minor Hwy.	50 feet

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E. Highway Overlay District Corner Lot Requirements

1. Lots situated at the intersection of a Type A, B, or C highway and a minor highway or a non-designated highway shall have a minimum depth, measured along the non-designated ROW, of 250 feet from the Type A, B, or C highway right-of-way edge.
2. Driveway access for a corner lot to either a designated highway or a non-designated highway shall be no closer than 100 feet to the intersection of the highway right-of-way lines.
3. Within the triangular area formed by the intersection of two right-of-way lines and a third line joining them at points 50 feet away from their intersection, there shall be no planting or structures which obstruct motorists vision or diminish highway sight distance.

F. Highway Overlay Subdivision Review

The subdivision of any lot or portion of a lot that abuts a designated highway shall be subject to Subdivision Review and approval regardless of the number or orientation of the proposed lots.

G. Highway Overlay District Exceptions for Existing Lots

1. Residential Districts - new residential developments shall comply. For existing reverse frontage lots (rear yards) the arterial setback shall be reduced by 50 feet for additions, swimming pools and accessory structures.
2. Lots and structures legally existing that do not comply to the regulations in this section may continue to be used and developed subject to the following:
 - a) An existing lot which has less than the minimum lot area, frontage and/or lot depth may be developed in accordance with the applicable zone district regulations provided it complies with the required Designated Highway setbacks and any applicable driveway permit standards.
 - b) Additions, renovations and similar improvements may be made upon existing principal or accessory structures in accordance with the applicable conventional zone district regulations even if that existing structure fails to comply with Designated Highway Setback requirements. However, those improvements shall not encroach closer to the Designated Highway than the existing structure.

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§230.3 G 2 AFH, Airport Flight Hazard Districts

The following regulations shall apply in all Airport Flight Hazard Districts.

A. OVERLAPPING OR COMBINED DISTRICTS.

An Airport Flight Hazard District may overlap or be combined with other Zoning Districts of the Town of Clay. In the event that such Airport Flight Hazard District overlaps or is combined with lands of other Zoning Districts of the Town of Clay, both the provisions of such other zoning district and of the Airport Flight Hazard District shall apply to such land and airspace, provided, however, that notwithstanding the regulations contained in any part of this Chapter, no exception to the height limit shall be permitted in any Zoning District which is combined with such Airport Flight Hazard District, except to the extent that the height limit specified in such Airport Flight Hazard District exceeds the height limit specified in the Zoning District.

B. AIRSPACE INCLUDED IN AIRPORT FLIGHT HAZARD DISTRICT.

All airspace located within the boundaries of the Town of Clay located over Hancock International Airport, Michael's Field and Airline Enterprise Field and that airspace beyond and within three thousand (3,000) feet of the perimeter of said Airports computed at a gliding angle of one foot (1) in height to every thirty (30) feet of horizontal distance from and beyond the nearest point of the perimeter of said Airports.

All airspace located within the boundaries of the Town of Clay located over Hancock International Airport, Michael's Field and Airline Enterprise Field and that airspace extending for a distance of ten thousand (10,000) feet at a gliding angle of one (1) foot to every fifty (50) feet of horizontal distance computed from a point two hundred (200) feet beyond the end of each runway used for instrument flight operations, an one foot in height for each forty (40) feet in horizontal distance computed from said point or points for all other flight operations.

C. HEIGHT LIMITATION.

No structure, building, tower, pole, wire, tree or other thing or portion thereof shall be erected, created, established or used within an Airport Flight Hazard District in such a manner that any part or portion thereof would extend or protrude into the airspace identified and set forth in Subdivision B of this Section.

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§230.3 G 3 Gas Transmission Overlay

A HIGH PRESSURE NATURAL GAS TRANSMISSION LINES.

1. Notwithstanding any code, rule, regulation, Code or law to the contrary, no structure shall be permitted within twenty-five (25) feet of the right-of-way line or property line of any high pressure natural gas transmission line in the Town of Clay. A high pressure natural gas transmission line is defined as one whose normal operating pressure is equal to or in excess of 250 pounds per square inch.
2. Any proposed construction, excavation or site work within fifty (50) feet of any such right-of-way or property line shall not be commenced until the applicant has submitted to the Town of Clay Planning Board a statement verified by a licensed land surveyor, showing the depth of the said transmission line from existing grade, and the Planning Board has approved such construction, excavation or site work.
3. There shall be no trees, shrubbery or planting whose root systems could possibly reach the transmission line placed or planted anywhere within such right-of-way or property.
4. No water, sewer, drainage or electricity lines shall cross any such transmission line until the plans therefore have been approved by the Town of Clay Planning Board

These regulations apply only to high pressure gas transmission lines constructed in accordance with the applicable provisions of the A.S.A. Code for gas transmission lines constructed within the boundary lines of cities and villages. In any case where high pressure gas transmission lines are not constructed in accordance with the provisions of the above mentioned A.S.A. Code, a Special Permit shall be required from the Planning Board before any structure is constructed or located or any septic tank or drain field is installed within three hundred (300) feet from such high pressure gas transmission line.

B. SET BACK FROM HAZARDOUS LIQUID TRANSMISSION PIPELINES.

1. No structures shall be constructed or located or septic tank, drain field, or other underground facility be installed closer than two hundred (200) feet from any hazardous liquid transmission pipeline unless such pipeline is covered by not less than three (3) feet of compacted earth in which case such set back shall be fifty (50) feet.
2. Verification of the amount of cover over the pipeline shall be to the satisfaction of the Town of Clay Planning Board and the determination shall be made by them as part of a subdivision or site plan approval process or in the event neither such process is involved by the issuance of a Special Permit by the Planning Board.
3. In the event the reduced set back is permitted no re-grading shall take place within the set back space without the approval of the Planning Board and signs conveying this restriction shall be erected and maintained at locations approved by the Planning Board.

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§230.4 SUPPLEMENTAL REGULATIONS

§230.4 A General

1. Land Uses

a. Accessory uses and structures

- 1) Unless otherwise specified all accessory uses and structures shall be subject to the same review process as the principal use to which they are incidental.
- 2) No accessory use or structure shall occupy a lot without a principal use or principal structure present on the same lot.
- 3) Unless otherwise specified all accessory uses and structures shall conform to the lot and structure dimensional standards applicable to the principal use or structure.
- 4) Mechanical equipment, decorations, antennas, chimneys and similar appurtenances may not require site plan or special permit review if they are less than 10 sq. ft. in area, attached to the principal structure and are found by the Commissioner to be consistent with the conditions, if any, of board approval.
- 5) Accessory buildings (e.g. storage units, sheds, etc.) for one or two family dwellings or townhouses in Residential Districts that are 100 sq. ft. or less in area and less than twelve (12) feet in height do not need a Building Permit or Certificate of Occupancy from the Town of Clay. However, these accessory buildings shall comply with the following minimum standards:
 - a) minimum setback of three (3) feet from any property line, principal building or other accessory buildings.
 - b) not located within any easement or right-of-way
 - c) located in the portion of a lot behind a line formed by the front wall of the principal building.
 - d) located in compliance with any applicable corner lot requirements.

b. Principal uses and structures

- 1) Unless otherwise specified by this Code there shall be only one principal use per lot.
- 2) Unless otherwise specified by this Code there shall be only one principal structure per lot.
- 3) Temporary residences – a manufactured home may utilized as a temporary residence in any residential district while the permanent residence located on the same property is under construction or not otherwise habitable due to remodeling. Such temporary residence shall be subject to a Special Permit from the Zoning Board of Appeals. The Special Permit duration shall be a duration not to exceed six (6) months and may not be renewed more than three consecutive six month periods.
- 4) Storage units, portable – are permitted on active construction sites subject to a permit from the Office of Planning and Development or as an accessory structure within a contractor's storage yard. Units not in actively used may be stored, subject to Site Plan Review, within a contractor's storage yard. Portable storage is not permitted on sites when unrelated to construction activity.

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c. Animals - Pets

The raising or harboring of animals within a community can pose a variety of risks to residents that range from simple nuisances of noise and odor to serious health hazards of personal injury and infections. The potential for occurrence of these risks can be minimized by restricting the number and types of animals that individuals maintain for their personal enjoyment, use or business.

1) Residential, Planned Development or Commercial Zone Districts: No property or dwelling shall contain more than three (3) adult dogs and three (3) adult cats (adult is a dog or cat over six (6) months in age). There is no restriction upon the number of other kinds of domestic animals maintained within a dwelling that are consistently maintained within appropriate containers such as aquariums or birdcages; these animals include, by illustration, tropical fish, exotic birds, ferrets, gerbils and hamsters. No exotic animals harbored outside of such containers or farm animals (see definitions) shall be harbored or maintained as pets.

2) RA-100 Zone District: There is no limit on the type or number of farm, exotic or domestic animals maintained as pets by a residents within their respective residential properties provided such property is 5 acres or greater in area.

3) All other districts: A Special Permit from the ZBA shall be required for pets maintained in non-conforming residential and/or farm land uses within any other district.

4) Land uses with animal related activities or structures: An approved Site Plan Review or Special Permit is required depending on the zone district for primary, secondary or accessory land uses that are related to animals such as: private stables or accessory kennels, veterinary care facility, animal training, animal boarding facility. Such uses are specifically listed; see each zone district to determine if such uses are permitted and under what review procedure.

d. Excavation-Filling or Site Preparation

No land disturbance, unrelated to an approved construction, within any lot that affects more than or results in the movement of more than 500 cubic ft. shall be permitted without prior Site Plan Review by the Planning Board. Such review and any subsequent approval may be included in the Site Plan or Special Permit reviews for the land uses or structures as required in the zone district regulations. (See Chapter 100 Town Code)

2. Structures

a. Front Yard Intrusions Permitted

A porch may intrude into the required front yard up to a maximum of 6 feet provided there is no roof or wall enclosures and any railing is not higher than 36 inches.

b. Other yard – setback exemptions

Reserved

c. Height exemptions

Reserved

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C. Lots

D. Miscellaneous Activity

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§230.4 B Parking and Loading

This section has been modified to address the new land uses established in the zoning code and to provide more current parking and loading standards. Primary changes include organizing the both parking and loading requirements in a single consistent format. Land uses are treated comprehensively through a concept of parking groups. Requirements have been updated and provision for reserve and shared parking has been established.

Parking Space Size - A parking space shall be nine and one-half (9 ½) feet by eighteen (18) feet. It shall also have a minimum of three hundred (300) square feet of adjacent maneuvering space to ensure that each space is designed and arranged to provide safe, free and unimpaired ingress and egress.

Loading Space Size - A loading space shall be a minimum of twelve (12) feet wide and fifty-five (55) in length with a height clearance of fourteen (14) feet. It shall also provide sufficient adjacent maneuvering space for trucks and similar vehicles to safely enter, unload and depart the loading space. Loading space design, placement and configuration will be subject to approval during Site Plan or Special Permit Reviews, as required by the respective zone district. The length of loading space may reduced by the reviewing board to thirty-five (35) upon finding that it is appropriate for the site and structure and does result in any interference with other vehicular or pedestrian movements.

Required Parking and Loading Table

*The following table establishes the minimum number of parking and loading spaces for each proposed or existing land use based upon **"parking groups"**. Parking groups are collections of land uses that are considered by the Town to have similar parking and loading needs. The parking groups are designed to use the familiar land use terminology used in this code and do not alter whether a land use is permitted or not within any district. The Commissioner of Planning and Development shall determine the appropriate parking group for any land use.*

Parking Groups – defined

Residential - land use primarily used as or contains a dwelling unit as defined in this code. (Examples - one, two, and multiple family dwelling, townhouse, mobile home, apartment).

Managed living facility - land use providing temporary living, sleeping, or care accommodations. (Examples - hotel, motel, hospital, nursing home)

Assembly - land use accommodating large groups for events such as performance, show, lecture, religious service, meeting, or ceremony. (Examples - indoor or outdoor recreation-spectator, theater, religious institution)

Office, client based - land use intended to primarily serve clients or patients with professional, medical, health care, therapeutic, financial or similar matters. (Examples - medical office, diagnostic centers, accounting or legal services, tax preparation office engineering, insurance,)

Office, NON-client based - land use focusing on a variety of professional, administrative, management, clerical tasks and similar "back-office" operations; customers, clients, patients or similar non-employees are not routinely present. (Examples -)

Retail Service site, customer based - land use intended to primarily serve clients, patients, customers with retail or personal services (Examples - banks, stores, repair shops, groceries, shopping center)

Restaurant-Entertainment - land use serving, on retail basis, food and beverage for on or off-site consumption, may include related entertainment facilities (Examples - restaurants, bars, nightclubs)

Production site - land use primarily devoted to the manufacture and/or processing of materials with accessory management office and storage space and incidental customer-client space. (farm, manufacturer)

Storage site - land use primarily designed for the long or short term storage, handling and shipping of bulk materials or individual items. (Examples - Warehouse, wholesale, distributor, truck terminal)

Vehicular service site - land use designed for the sales, service and/or storage of motor vehicles and where the vehicle operator typically remains with the vehicles or leaves the vehicle for service. (Examples - car repair, gas station, car wash, car dealer)

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Open-space related – land use designed where the primary activities or services are conducted outside and buildings are generally accessory to the exterior activity. (Examples – outdoor recreation-participant, playgrounds, ball-fields, cemetery)

Community support site – land use providing utility, safety and similar services to the community or individual property. (Examples – utility substation, telecommunication device, fire station, emergency vehicle station)

Mixed-use site – land use where there are identifiable separate primary uses on the site and more than one of the above parking groups could apply. (Shopping center w/car dealer, office-apartment building)

Calculation of Parking and Loading Requirements

Type of parking spaces - The following table is the basis for determining **ONLY** the number of employee - customer parking spaces.

Site Plan/Special Permit Review required – The following types of spaces are **EXCLUDED** from this table: vehicle service, storage, display, queuing or for vehicles owned, operated or otherwise directly related to the land use (e.g. service or delivery vehicle, bus or van). Adequate space for these vehicles shall be separately provided on the site, identified in the graphic plan(s) submitted to the Town and evaluated during the Site Plan Review or Special Permit Review as required by the respective zone district.

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 useable 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.

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 five hundred (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..

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.

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 (1) space.

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.

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<u>Parking Group Name</u>					<u>Min Required Park Spaces</u>	<u>Min. Required #Load Space</u>	<u>Maximum % Reserve Pk-Ld.</u>
1. Residential	-	-	-	-	-	-	0%
a) 1-3 units					2/unit	0	
b) 4 or more units/lot					2/unit	subject to site plan review	
2. Managed living facility	-	-	-	-	-	1/10,000 sq. ft	25%
a) health related					2/ bed	0	
b) hotel, motel type use					2/room	0	
3. Assembly	-	-	-	-	-	0	25%
a) fixed seating					1/3 seats		
b) open floor plan – flexible seating					10/1000 sq. ft.		
4. Office, client based	-	-	-	-	-	-	25%
a) less than 4,000 sq. ft					5/1000 sq. ft.	0	
b) 4-15,000 sq. ft.					4/1000 sq. ft	0	
c) greater than 15,000 sq. ft.					4/1000 sq. ft.	1/30,000 sq. ft	
5. Office, NON-client based	-	-	-	-	-	-	50%
a) less than 4,000 sq. ft					4/1000 sq. ft.	0	
b) 4-15,000 sq. ft.					3/1000 sq. ft	0	
c) greater than 15,000 sq. ft.					2/1000 sq. ft.	1/50,000 sq. ft	
6. Retail Service site	-	-	-	-	-	-	25%
a) less than 15,000 sq. ft.					6/1000 sq. ft.	0	
b) 15-30,000 sq. ft.					5/1000 sq. ft	0	
c) greater than 30,000 sq. ft.					4/1000 sq. ft	1/50,000 sq. ft	
7. Restaurant-Entertainment site-	-	-	-	-	-	-	25%
a) fixed seating – package food					15/1000 sq. ft.	1/30,000 sq. ft.	
b) fixed seating – family dining					25/1000 sq. ft.	1/30,000 sq. ft.	
c) open floor plan – flexible seating					35/1000 sq. ft.	1/30,000 sq. ft.	
8. Production site (manufacturing)					4/1000 sq. ft.	1/30,000 sq. ft	75%
9. Storage site (warehousing)					0.5/1000 sq. ft.	1/50,000 sq. ft	75%
10. Vehicular service site (see separate requirements for vehicle queuing, storage and display)	-	-	-	-			25%
a) entire site					5/acre	0	
b) incidental retail space (add parking)					6/1000 sq. ft	0	
11. Open-space related	-	-	-	-	-	0	25%
a) active area					10/acre		
b) passive area					2/acre		
12. Community support site	-	-	-	-	-	0	75%
a) “un-staffed” site					1/lot		
b) staffed site					subject to Site Plan Review by Planning Board		
13. Mixed uses							
Cumulative total of required parking for each primary use based on above schedule							
14. RESERVED							
a)							
b)							

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§230.4 C Signs

SIGN SCHEDULE

The following sign requirements apply to all land uses and structure allowed in each district. This shall apply to all districts within a district group unless that specific district is separately listed.

<u>District Group</u>	<u>#Sign Allowed</u>	<u>Max. Size</u>	<u>Sign Types</u>
Residential			
Home occupation	1	2 sq. ft.	bldg. mounted
Neighborhood ID	1	24 sq. ft.	monument
Non-dwelling uses			
RA-100 thru R-40	1	32 sq. ft.	monument or bldg. mounted
R-15 thru R-MHC	1	16 sq. ft.	monument or bldg. mounted
Recreation	1/site	32 sq. ft.	monument
	1/site	16 sq. ft.	bldg. mounted
Office			
O-1	1/site	16 sq. ft.	bldg. mounted
O-2	1/site	32 sq. ft.	monument
	1/building	16 sq. ft.	bldg. mounted
Commercial			
NC-1	1/bldg.	32 sq. ft.	bldg. mounted
	1/site	32 sq. ft.	monument or bldg mounted
HC-1	3/bldg.	8% bldg face	bldg. mounted
	1/site	32 sq. ft.	monument or post
RC-1	3/bldg.	8% bldg face	bldg. mounted
	1/site entrance	64 sq. ft.	requires Planning Board review
Industrial			
	1/bldg.	8% bldg face (max. 100 sq. ft.)	bldg. mounted
	1/site entrance	64 sq. ft.	requires Planning Board review

Bldg. mounted – includes wall, marquee, projecting signs. See following standards

Monument – one or two support free-standing sign not more than 10 ft. high.

Post – free standing sign more than 10ft. and not more than 25 ft. high, supported by one or more posts, pylons or columns.

Directional, political, construction, real estate and similar signs that do not identify a specific site, land use or structure are regulated by the following standards.

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A. SIGN RESTRICTIONS

The signs hereinafter set forth shall be subject to the provisions of this Chapter.

1. Business sign restrictions.
 - a. Freestanding signs shall be limited in size to a maximum of thirty-two (32) square feet in area per face, shall be a minimum distance of twenty-five (25) feet from any road right of way and shall not exceed twenty-five (25) feet in height.
 - b. Marquee signs shall be limited in size to a maximum of one square foot for each one foot of width of the wall to which the marquee is attached.
 - c. Projecting signs shall be limited to two (2) parallel faces and shall project a maximum of eight (8) feet.
 - d. Roof signs shall be limited in size to a maximum of one-half (1/2) square foot for each one foot of width of the building wall facing a street. Such signs shall be permitted only in situations made unique by location or topography and shall be subject to Planning Board approval.
 - e. Wall signs shall be limited in size to a maximum of eight per cent (8%) of the area of the wall to which such sign is attached. Such signs shall be subject to Planning Board approval.
 - f. Freestanding signs in shopping centers and industrial or commercial complexes shall not be allowed except as authorized in Paragraph "2" of this Subdivision.
2. Community, shopping center, industrial or commercial complex identification sign restrictions.

No such sign shall be erected without prior Planning Board approval of its location, size, construction and aesthetic characteristics.
3. Commercial Real Estate Sign Restrictions.
 - a. Such signs shall not exceed fifteen (15) square feet in area.
 - b. All signs shall be contained within the boundary lines of the subject property.
 - c. Two (2) such signs shall be allowed on each road frontage of the subject property providing such property exceeds one hundred (100) feet in frontage. If the frontage does not exceed one hundred (100) feet, only one such sign shall be allowed on the subject property.
 - d. All commercial real estate signs shall be removed from the subject property within two (2) weeks of the passing of title to a new owner or withdrawal from the market for any purpose. "Sold By" signs shall not be permitted, beyond the above two (2) week limit.
4. Construction Sign in Commercial and Industrial Zone Restrictions.
 - a. All such signs shall be contained within the boundary lines of the subject property, shall not exceed sixty-four (64) square feet, shall be confined to one sign surface per street frontage existing at the inception of the project, and shall not be maintained except within a period

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commencing not more than fourteen (14) days prior to the start of construction and terminating not more than fourteen (14) days following the completion of construction or the opening of said project or improvement, whichever is sooner.

b. Use of such signs shall be restricted to commercial and industrial zones.

5. Information Sign Restrictions.

a. Such signs shall be situated only on the premises where such facilities are provided.

b. No sign shall exceed three (3) square feet in area.

c. "Garage Sale" signs shall be removed at the end of the sale or within ten (10) days of erection, whichever is sooner.

6. Official Sign Restrictions. None.

7. Open House and Residential Real Estate Sign Restrictions.

a. Such signs shall not exceed four (4) square feet in area per face.

b. All such signs shall be placed off the street, road or highway right-of-way and, furthermore, shall not be placed on any property without prior permission of the owner or tenant thereof.

c. A maximum of three (3) such signs shall be permitted for each premises being advertised. Such signs shall only remain erected during periods when sales personnel are present on the premises being promoted.

d. No "open house" residential Real Estate signs shall be permitted at intersections with roads classified as designated highways the Highway Overlay Zone, except that a single sign bearing solely the words "Real Estate Open Today", is allowed during open house hours. Such signs shall consist of black lettering on a chrome yellow background with no identification or insignia other than a directional arrow.

8. Political Subdivision and Civic Sign Restrictions. None.

9. Private Traffic Sign Restrictions. No sign shall exceed nine (9) square feet in area.

10. Public Safety Sign Restrictions. None.

11. Residential Real Estate Sign Restrictions.

a. Such signs shall not exceed four (4) square feet in area.

b. All such signs shall be contained within the boundary lines of the subject property.

c. Only one such sign shall be permitted on the subject property.

d. All residential real estate signs shall be removed from the subject property within two (2) weeks of passing of title to a new owner or withdrawal from the market for any other purpose.

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12. Site Development Sign Restrictions.
 - a. All such signs shall be contained within the boundary lines of the subject property.
 - b. Such signs shall not exceed sixty-four (64) square feet.
 - c. Such signs shall be confined to one sign surface per street frontage existing at the inception of the filed section of the project, and not be maintained except within a period commencing not more than fourteen (14) days prior to the start of construction of the section and terminating not more than fourteen (14) days following substantial completion of the filed section.
13. Statuary Sign Restrictions. None.
14. Temporary Promotional or Announcement Sign Restrictions.
 - a) Such signs shall be allowed for non-profit organization or governmental unit and only by a permit approved by the Commissioner of Planning & Development. All such applications shall include size, location, aesthetics and duration of use. Such signs shall be limited to the site of the event. All such signs shall be only for a special event or similar circumstance and shall not be a permanent supplement to other allowable signs in any particular zoning district. No such sign shall be authorized for longer than a one week period at any time. No more than four (4) such permits shall be issued in any one year to an applicant.
 - b) Grand opening signs for new businesses – one temporary announcement sign maybe installed following new construction activity, a Certificate of Occupancy and a sign permit from the Office of the Commissioner of Planning and Development. Such sign may be two sided and shall not exceed 32 sq. ft./sign face. The sign shall not be displayed more than three (3) weeks.
15. Time and/or Temperature Device Restrictions. All such signs shall require Planning Board approval.
16. Window Display Sign Restrictions. None.
17. Window Sign Restrictions. Such signs shall not exceed thirty percent (30%) of the window area and shall be used solely for temporary advertising or promotional purposes as distinguished from permanent type business signs. Signs painted upon or otherwise permanently affixed to interior window surfaces or otherwise located within twelve (12) inches therefrom, exclusive of window display signs, shall constitute business signs.
18. Political Sign Restrictions.
 - a. Free standing signs erected within residential subdivisions shall be limited in size to a maximum six (6) square feet in area.
 - b. Free standing signs shall not be erected or maintained prior to eight (8) weeks before the election to which said signs pertain.
 - c. All free standing signs shall be removed within forty-eight (48) hours after the election to which said signs pertain.

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d. Any person or organization erecting political signs shall first register with the Town Clerk for the purpose of assuming responsibility of compliance with this Section.

19. Gasoline Service Facilities Signs. Notwithstanding any other provision of this Chapter, the following standards and requirements shall apply to all signs situated within a LuC-1, Limited Use for Gasoline Services District:

a. General Prohibitions. There shall be no signs or appurtenances connected with a gasoline service station facility which are moving, rotating or animated in any manner, or which are illuminated by flashing, blinking, fluctuating or other forms of animated light. In addition, the use of pennant banners, spinners and streamers is prohibited.

b. Illumination. No illumination sign or lighting device shall be placed or directed in a fashion that will permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or upon adjacent premises so as to cause a flare or reflection that may constitute a traffic hazard or nuisance.

c. Standards for Permitted Signs.

1. Individual gasoline service facilities shall be permitted one business sign affixed to the building and one freestanding business sign.

(i) Such signs shall be located on the same premises.

(ii) Such signs shall be securely attached to the building or to structurally sound supports.

(iii) No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device.

(iv) The business sign affixed to the building shall not exceed thirty (30) square feet in area.

(v) The freestanding business sign pole shall be located in the buffer zone no closer than twelve (12) feet from the property line or street line and no part of the sign shall be any closer to the property line or street line than eight (8) feet, provided, however, that where applicable, they shall conform to the arterial setback provisions of Section 230.3 G 1 of this Chapter. Said sign shall have an area no greater than fifty (50) square feet on each face. The maximum height of the sign pole shall not exceed twenty-five (25) feet with a clearance from the bottom of the sign panel to the ground of at least fifteen (15) feet.

(vi) In addition to the business sign affixed to the building and the freestanding business sign, one accessory sign board where there is only one street frontage or two (2) accessory sign boards on a corner lot may be located in the buffer area in front of the station and/or sales outlet, or attached to or adjacent to the building. These signs may indicate services, products, trade or price information. The permitted signs shall be permanent structures and may be double faced, not to exceed twenty-five (25) square feet on each face. The design location must be integrated into the total landscape plan and approved by the Planning Board. In

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any case, no accessory sign shall exceed eight (8) feet above the level of the ground upon which its support rests.

2. There shall be proper maintenance of all signs so that such signs, together with their supports, shall be kept in good repair. The display surfaces shall be kept neatly painted at all times. The Commissioner of Planning and Development may order the removal of any sign that is not maintained in accordance with the provisions of this Chapter. Painting, repainting, cleaning or repair maintenance shall not be considered an erection or alteration which requires a permit unless a structural change is made.

3. Exterior promotional signs, in addition to those signs herein before permitted, shall be permitted upon the filing of an application with the Department of Planning and Development and the payment of a Five (\$5.00) Dollar fee for each service station or sales outlet for a period of thirty (30) days and an additional sum of Five (\$5.00) Dollars for each additional period of thirty (30) days not to exceed a total of ninety (90) days. Said promotional signs shall be removed immediately after termination of the permit. If not removed within ten (10) days upon receipt of written notice to the applicant, the applicant shall be subject to a fine of Twenty-five (\$25.00) Dollars.

B. GENERAL PROHIBITIONS AND REQUIREMENTS.

The following regulations shall be applicable to all signs.

1. Exemptions.

a. Signs, Official as defined in §230.2 are exempt from the provisions of this section.

2. **Obstructions.** No sign shall obstruct by physical or visual means any fire escape, window, door or any opening providing ingress or egress or designed for fire or safety equipment, any passageway from one part of a structure or roof to another portion thereof or any opening required for ventilation or which is required to remain unobstructed by any applicable law.

3. Projections.

a. No sign shall project into a vehicular driveway on private property at an elevation less than fourteen (14) feet above grade.

b. No sign shall project into an area on private or public property designed as a pedestrian way at an elevation less than ten (10) feet above grade.

4. **Placement.** No sign shall be placed upon or attached to any public utility pole, lamp post, water or fire hydrant, sidewalk, bridge, tree or similar installation or improvement, whether situated upon public or private property.

5. **Hazard to Public Safety.** Signs which by their use or simulation of colors, design or placement, tend to confuse, detract from or in any manner obstruct the utilization of traffic regulatory devices are prohibited. All determinations of this type shall be made by the Enforcement Officer who shall consider, but not be limited to the following aspects of such signs:

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- a. The use of words such as "stop", "go", "look", "caution", "danger", "warning" and similar nomenclature;
- b. The use of colors and lights in the spectrum of colors utilized for traffic regulatory devices; and
- c. The use of blinking, intermittent, flashing, or other animated forms of illumination or light, and all sources of illumination which through direct or indirect means create glare.

6. Illumination.

- a. No sign shall produce illumination in excess of one foot-candle at a distance of four (4) feet.
- b. No illumination shall cause direct light rays to cross any property line.
- c. All permanent outdoor lights, including those used for area lighting or building floodlighting shall originate from steady, stationary, shielded sources directed so as to avoid causing a hazard to motorists, pedestrians, or causing direct light rays to be cast upon neighboring properties. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one foot-candle.

7. Corner visibility. On a corner lot, within the areas formed by right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from their intersection, no sign shall project into the elevation between a height of two (2) feet and a height of ten (10) feet above the grade of each street at the centerline thereof, except that this prohibition shall not apply to any official signs.

8. Advertising signs. Advertising signs shall be permitted only in those Zoning Districts in which the use is specifically allowed.

9. Sign maintenance. The Enforcement Officer shall order the removal of any sign which is not kept in good repair and a proper state of preservation. In making such determination, the Enforcement Officer shall consider, but need not be limited to, the following elements: defective lighting, broken, loose or missing parts; fading, flaking or blistering paint; illegibility; or any condition which may constitute a safety hazard.

C. ADMINISTRATION.

1. Permits. A permit shall be required prior to the performance of any sign work. Such permits shall be issued by the Commissioner of Planning and Development.

2. Exceptions. No sign permit shall be required for the following:

- a. Sign copy changes.
- b. Sign maintenance.
- c. Improvements on signs provided that this exception shall not apply to any of the following:
 - (1) Freestanding signs exceeding twenty (20) feet in height; or
 - (2) Sign work of a value in excess of One Thousand Dollars (\$1,000.00).
- d. Residential real estate signs and open house signs.

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The foregoing exceptions shall not be deemed to waive any regulations contained in this or any other law which is otherwise applicable.

3. Prerequisites to issuance of permits. As a prerequisite to the issuance of any permit, in addition to any other restrictions applicable thereto, the following findings shall be made:

- a. The proposed sign is not in conflict with the general prohibitions contained in Subdivision B of this Section, the provisions of which may not be waived, and complies with all other applicable provisions.
- b. The proposed sign will not have any adverse impact upon the character or integrity of any land use having unique cultural, historical, geographical, architectural or other significance.
- c. The proposed sign will not adversely affect the character of districts in close proximity, within which Districts such signs would be prohibited.
- d. The proposed sign will not hide, obstruct or in any way shield other signs from view.
- e. The proposed sign is otherwise compatible within the context of its visual and physical environment.

E. NONCONFORMING AND ABANDONED SIGNS.

1. Nonconforming signs. All signs legally established prior to June 30, 1974* which do not conform to the regulations contained herein shall be considered nonconforming signs.

- a. Miscellaneous. Signs established prior to June 30, 1974 pursuant to a conditional use, variance, exception, or other special permit, license or consent shall be considered a nonconforming sign if they do not conform to the provisions of this Section.
- b. Abatement. All nonconforming signs shall be terminated or brought into compliance by July 1, 1977.

2. Abandoned signs. The Enforcement Officer shall order the removal of any sign which has become abandoned. In making such determination, the Enforcement Officer shall consider, but need not be limited to, the following elements:

- a. Period of non-use of the activity, product, service or other item relative to the message content of the sign, provided that where a business activity has been discontinued for a period of ninety (90) days, the sign shall be presumed to have become abandoned unless the owners, beneficial user, or other party in interest files a written certification with the Enforcement Officer indicating that such business activity (including its appurtenances) is to be reactivated within thirty (30) days following such ninety (90) day period.
- b. The sign is situated upon or incidental to a site which has been scheduled for demolition and it appears that the activity, product, service or other item relative to the message content is no longer viable irrespective of the lapse of time.

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c. The sign is a commercial real estate sign, construction sign located in a commercial or industrial district, garage sale sign, open house residential real estate sign, or a temporary promotional or announcement sign.

d. The sign is otherwise nonconforming or illegal and the owner or beneficial user cannot with reasonable diligence be located.

3. Removal of signs. Any abandoned, or illegal sign existing after June 30, 1974 shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. Upon removal of any wall sign (including signs painted on walls) the surface area of the facade shall within thirty (30) days of removal be restored to a condition substantially equivalent to the remaining portion of the facade in appearance. The Enforcement Officer, upon determining that any such sign exists, shall upon expiration of the continuance period or such other time limit which may be provided for, notify the owner or beneficial user of such sign, in writing, to remove the said sign within thirty (30) days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the Enforcement Officer shall remove or cause removal of such sign, and shall assess all costs and expenses incurred in the said removal against the property on which such sign is located.

F. RESIDENTIAL DISTRICTS.

The following regulations shall apply in Residential Districts:

1. Permitted signs. All uses expressly allowed as principal, accessory or special permit uses may be identified by wall or freestanding sign.

2. Prohibited signs. Roof, animated, projecting and marquee signs are prohibited.

3. Location. No sign shall be located within any yard area except those which are permitted uses.

4. Height. No wall sign or portion thereof shall extend above the first story of the building wall to which it is attached; no freestanding sign shall exceed a height of six (6) feet.

5. Number. No more than one sign shall be permitted for any use except as otherwise provided herein.

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§230.4 D Non-Conformities

This section describes procedures and standards for how pre-existing are reconciled with the current Code. Any legally established principal or accessory use, structure, improvement or lot not in compliance with the provisions of this Code or subsequent amendments shall be regarded as a nonconforming element subject to the provisions of this section. It is the intent of this section to discourage the long-term continuation of any nonconforming elements. This section is also intended to allow for the reasonable and limited continuation and modification of nonconforming elements since it is not always feasible for nonconforming elements to immediately cease existing.

1. Authority

Any modification of a nonconformity including any addition, enlargement, alteration, structural alteration or change in use shall be subject to the provisions of this section.

2. Definitions

a. Non-conforming structure - is defined as a legally pre-existing principal or accessory structure that does not comply with applicable yard, setback, height, lot coverage or similar dimensional requirements.

b. Non-conforming use - is a legally pre-existing activity or land use occurring on or associated with a structure or site and is not permitted by building or zoning permit, site plan review or a special permit approval in the applicable zone district. A nonconforming use may be found to occur in conforming structures.

c. Non-conforming lot - is a parcel of land legally established pursuant to the Town's subdivision regulations but does not meet the current dimensional requirements for lot width, depth or area, if any, of the applicable zone district regulations.

d. Non-conforming element is any other aspect of a development such as parking, signs or similar standards that were legally pre-existing to the current Code requirements.

e. Non-complying - any use, structure, lot or other element improperly established or illegally existing prior to the enactment of this Code or subsequent amendments.

3. Non-conforming Structure requirements

a. General Maintenance and Repair

Except as otherwise provided for in this section, nonconforming structures may continue to exist, and to be maintained and repaired provided such maintenance or repair does not expand or increase the applicable non-conformity.

b. Structural Alterations, Renovations and Additions

Modifications to a non-conforming structure may be made upon issuance of a building permit. In no event shall these modifications increase or expand the degree of the structure's nonconformity nor expand a nonconforming use without a properly issued Variance from the Zoning Board of Appeals.

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c. Damaged Structures

Should a nonconforming structure or a nonconforming portion of a structure be destroyed by any means to an extent of more than 75% of its replacement cost at time of destruction, it shall not be reconstructed except to the exact or more conforming dimensions as it existed on the date of destruction. This reconstruction shall be commenced and completed with due diligence. If, however, a place of residence of a citizen of the Town of Clay is destroyed by accidental fire, hurricane, tornado or other act of God, said homeowner may rebuild the residence to the original type and size of structure or may rebuild or replace with a superior type of construction.

4. Non-conforming Use Requirements

a. Except as otherwise provided in this section, nonconforming uses may continue to exist.

b. A nonconforming use may not be enlarged to occupy additional floor area within an existing structure or additional lot space, nor be converted to another use except in conformance with this Code. Any such proposed modification or enlargement of a nonconforming use shall be subject to approval of a Use Variance from the Zoning Board of Appeals.

c. A nonconforming use may be changed to another nonconforming use only upon issuance of a Special Permit by the Zoning Board of Appeals. The Board shall evaluate the appropriateness of the proposed nonconforming use to the zone district and shall find that it will not have a greater impact on surrounding properties than the existing nonconforming use. In its determination the Zoning Board of Appeals may consider parking demand, pedestrian and traffic volume, intensity of use, hours of activity, noise levels and any other factors considered relevant.

d. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to a nonconforming use.

e. The provisions of §230.4.D 3 c above regarding repair and restoration of damaged structures shall apply to conforming structures containing a nonconforming use.

f. Any previously established permitted use now subject to the Site Plan Review or Special Permit requirements of this Code shall be regarded as nonconforming if it does not comply with the current site plan review or special permit standards and criteria.

g. The nonconforming use of a structure or land which has ceased operation for six (6) months shall be deemed abandoned and may not be re-established. The six month period will commence upon written notification by the Commissioner to the property owner. During this six month period the owner may request a time extension from the Zoning Board of Appeals in order to continue the non-conforming status. The Zoning Board of Appeals may extend the six month period with a maximum, additional twenty-four (24) months upon finding that the nonconforming use occupies a structure uniquely designed to its use or that the additional needed time is reasonable and appropriate for the circumstances of the property. If the original or extended period has expired without an approved continuation of the non-conforming status then the structure or land shall be used in conformity with this Code.

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5. Non-conforming Lot Requirements

a. Lots established without Town Subdivision Approval are considered legal if they were filed and recorded in the Office of the Onondaga County Clerk prior to January 1, 1985 and conformed to the zoning requirements in effect at the time of filing.

b. Limited Waiver - A nonconforming lot in any district may be improved with a permitted, site plan review or special permit use if all applicable setbacks, yards, dimensional, parking, and/or screening requirements are met.

6. Non-conforming elements - other requirements

The Commissioner may determine that other permanent and/or physical aspects of a property, such as accessory elements, are subject to the regulations and protections of this section. Unless specified below they shall be subject to requirements applicable to the most similar type of non-conformity.

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§230.5 Administration of the Zoning Code

§230.5 A Town Board

This section describes the Town Board's role in zoning and planning. Generally, Town Board authority is set forth in N.Y.S. legislation and by its own local laws and resolutions. Amendments to the Town zoning Code and associated map are Town Board legislative acts enacted after a public hearing and are intended to implement land use and development policy objectives.

1. Establishment

The Town Board is authorized by the State to be the governing body of the Town of Clay. Town Board composition, terms, compensation and eligibility for membership, employment of staff and other relevant factors for the conduct of the Town Board shall be decided in conformance with the requirements of N.Y.S. Town Law.

2. Powers and Duties

- a. Zoning Establishment - Pursuant to N.Y.S. Town Law §261 the Town Board is authorized to regulate buildings, structures, parcels, and general development within its boundaries.
- b. Zoning Amendments - Pursuant to N.Y.S. Town Law §261, §262, §263, §264, §265 and §266 and the provisions of this section, the Town Board shall approve the adoption of all modifications to this Zoning Code and any changes to the Zoning Map.
- c. Creation of Authority - Pursuant to N.Y.S. Town Law §267, §271 and other applicable sections, the Town Board is authorized to create boards and committees, to delegate various responsibilities to these boards and committees, and to authorize funding for expenses.
- d. Special Permits - Pursuant to §274-b the Town Board is authorized to review, approve, approve with modifications or disapprove applications for Special Permits designated in this Code.
- e. Official Map - The Town Board may establish an official map of the Town of Clay pursuant to N.Y.S. Town Law §270 and §273.
- f. Comprehensive Planning - The Town Board may engage in and/or fund the preparation of any plans, documents or studies to be used as reference tools to guide the future growth of the Town of Clay, exclusive of the Village of North Syracuse.

3. Zoning Amendments

- a. Definitions - For purposes of this Code there are two types of zoning amendments.
 - 1) Text Amendment - is a modification to the written language of the zoning Code and may include regulations that affect the entire town or creation of districts affecting limited portions of the town.
 - 2) Zone Change - applies the language of the zoning Code to specific areas of the town; it may modify the zone district boundaries or add or remove zone districts from the zoning map.
- b. Standards of review
 - 1) Compliance to Town Planning - All zoning amendments shall be considered with respect to the Town's planning actions, programs, studies, and/or any planning documents that are consistent with the provisions of NYS Town Law §272-a. All zoning amendments shall seek to further the policies of these programs and plans.

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2) Community well-being - All zoning amendments shall, in the judgment of the Town Board, enhance the health, safety and welfare of the entire Town and promote land development that furthers the community interests of the Town.

3) Districts - Districts with separate and distinct regulations for land uses and structures may be established and applied when they further town-wide objectives, respond to general conditions within an area and will uniformly treat land uses and structures within the district.

c. Procedures

1) Schedule of Review - The procedures for considering and adopting zoning amendments shall be pursuant to the applicable provisions of NYS Town Law §264, §265 and this Code.

2) Submission Requirements - A proposal for a zoning amendment shall be submitted on forms required by the Town. Forms are available from the Department of Planning and Development.

3) Applicant - All zoning amendments constitute the adoption of an Code and therefore the Town Board is the official applicant in all cases. The Planning Board, a property owner or any resident of the Town may request the Town Board to initiate a zoning amendment.

4) Planning Board Referral - All zoning amendments shall be referred by the Commissioner on behalf of the Town Board to the Town Planning Board for advisory review and comment. The Town Board shall not act until a Planning Board recommendation has been received or until the allotted review time has expired. (see also Planning Board section)

5) Compliance to other provisions of NYS Law - The Town Board shall comply with all applicable state laws including provisions of the NYS Environmental Review Act (SEQR) and of the NYS General Municipal Law §239 requiring referral to the Onondaga County Planning Board.

4. Special Use Permits

See §230.5.D Special Permits

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§230.5 B Zoning Board of Appeals (ZBA)

This section establishes and describes the responsibilities of the Town of Clay Zoning Board of Appeals (ZBA). It includes the grant of authority by the Town Board, a delegation of power to independently approve the following kinds of land development actions: special permit, variance, interpretation; and to develop procedural requirements and standards of approval to guide the ZBA in its authorized actions.

1. Establishment

The Zoning Board of Appeals (ZBA) was created pursuant to New York State Town Law §267, consisting of five (5) members. ZBA composition, terms, compensation and eligibility for membership; employment of staff and other relevant factors for the conduct of the Zoning Board of Appeals shall be decided in conformance with the requirements of N.Y.S. Town Law.

2. Powers and Duties

a. Special Permits - Pursuant to N.Y.S. Town Law §274-b the ZBA is authorized to review, approve, approve with modifications or disapprove applications for Special Permits assigned to the ZBA in this Code in accordance with the standards or criteria adopted in that section [see §230.5 D]

b. Variances - Pursuant to N.Y.S. Town Law §267-b the ZBA is authorized to review, approve, approve with modifications or disapprove applications for Variances in accordance to the standards or criteria adopted in this section.

1). Area Variances - are defined by state law and permit the use of land in a manner which is not allowed by the dimensional or physical requirements of the zoning regulations.

2) Use Variances - are defined by state law and permit the use of land for a purpose which is not allowed or is prohibited by the zoning regulations.

c. Interpretations - Pursuant to N.Y.S. Town Law §267-b the ZBA is the Town agency authorized to review, interpret and make final determinations regarding the actions of Town administrative or enforcement officials in their application of the Zoning Code.

d. Guidelines, Procedures, Rules and Regulations - The ZBA shall conduct its meetings and actions in accordance with the provisions of N.Y.S. Town Law §267-a. It may prepare materials for its use and for public use that will facilitate the manner of application reviews. Such materials may include application forms, guidelines for approval, procedures and other rules and regulations governing the conduct of ZBA reviews.

3. Special Permits

See §230.5.D Special Permit Standards

4. Variances

a. Purpose

Both Area or Use Variances are intended as remedies when the Zoning Code is found by the ZBA to unduly affect specific conditions of property. Either Variance seeks to ensure that the requested uses or

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structures in conflict with this Code are allowed when necessary for the property; and in a manner appropriate and compatible to the site, neighborhood and zone district.

b. Authority

1) Applicable uses or structures - The uses or structures associated with a requested Area or Use Variance shall be subject to the satisfaction of the requirements of NYS Town law §267-b and the reasonable standards established by the ZBA.

Area Variances are required when a proposed use or structure that is otherwise permitted in the zone district or at the specific location cannot comply with the dimensional requirements of the Zoning Code.

Use Variances are required when the proposed land use activity is not permitted in the zone district or at the specific location.

2) Procedure and Application required - All Variance requests shall be subject to public hearing and the procedures established or authorized by NYS Law §267-b and this Code. All Variances requested shall be submitted on forms required by the Town. Application forms and Guidelines are available from the Department of Planning and Development. A graphic plan for the proposed development of a site for a use or structure shall accompany an application for a Variance. This plan shall show the features of the site, the proposal and any pertinent information in a level of detail established by the ZBA.

3) Appropriateness of Variance proposal - No Variance shall be granted unless the ZBA finds that the standards established by NYS Town Law §267-b have been met by the applicant. The reasons for approval, approval with conditions or disapproval shall be documented and appropriately filed in Town offices.

4) Imposition of conditions - The ZBA may when approving a Variance request impose conditions which shall be documented and appropriately filed in Town offices.

5) Standards of approval - No application for an Area or Use Variance shall be granted unless the minimum standards established by N.Y.S Town Law §267-b and as set forth in the Town's Guidelines for a Variance have been met.

5. Interpretations

a. Purpose

Interpretations offer an opportunity to evaluate and change or modify the decision of an enforcement officer or another administrative Town official or Board in their application of the Zoning Code.

b. Authority

1) Applicability - Pursuant to NYS Town Law §267-b 1 the ZBA upon request shall interpret any administrative decision derived from the enforcement or application of any part of the Zoning Code or Zoning Map.

Any aggrieved party may request the ZBA to examine the decision or interpretation of a Town Official that is enforcing this Zoning Code. The ZBA interpretation shall be the final decisions.

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- 2) Procedure and Application required - All interpretation requests shall be subject to public hearing and the procedures established by this Code. All interpretation requests shall be submitted on forms required by the Town. If applicable, a plan for the proposed development of a site for a use or structure shall be submitted with a interpretation request. Such plan shall show the features of the site and proposal and any pertinent information in a level of detail set by the ZBA.
- 3) Decision - Any decision by the ZBA for an interpretation shall follow the same procedures and requirements for a Variance. In considering an interpretation the ZBA may consider the language of the Code, the graphic representation of the Zoning Map, existing conditions of areas affected by the interpretation request, the intent of the Town in establishing the subject zoning requirements, and/or any other relevant materials that can aide in its evaluation.

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§230.5 C Planning Board

This section establishes and describes the responsibilities of the Town of Clay Planning Board. It includes the grant of authority by the Town Board, a delegation of power to conduct and approve certain kinds of land development actions, procedural requirements and standards of approval to guide the Board in its authorized actions.

1. Establishment

The Planning Board was created pursuant to New York State Town Law §271, consisting of seven members. Board composition, terms, compensation and eligibility for membership; employment of staff and other relevant factors for the conduct of the Planning Board shall be decided in conformance with the requirements of N.Y.S. Town Law.

2. Powers and Duties

a. Comprehensive Planning - Pursuant to N.Y.S. Town Law §272a the Planning Board shall be responsible for periodically investigating and reporting on the future growth and land development issues within the entire area of the Town of Clay exclusive of the incorporated limits of the Village of North Syracuse.

b. Subdivision of land - Pursuant to N.Y.S. Town Law §276 thru §279 the Planning Board is authorized (see also - Town of Clay Subdivision Regulations) to review, approve, approve with modifications or disapprove the following:

- 1) All subdivision plats with or without streets showing lots, blocks or sites; and
- 2) Any changes in the lines of existing streets, highways or public areas shown on subdivision plats filed in the Office of the Onondaga County Clerk or on plans and/or maps adopted by the Town of Clay; and
- 3) Any changes in the layout, closing or abandonment of such streets, highways, or public areas pursuant the applicable to the provisions of the N.Y.S. Town and Highways Laws; and
- 4) Upon authorization by the Town Board for each specific application, voluntary or mandatory cluster development pursuant to and as defined by §278 of Town Law that modifies zoning regulations simultaneously with Subdivision Review.
- 5) The Planning Board is further authorized to adopt or amend, after it conducts a public hearing and the approval by the Town Board, subdivision rules and regulations.

c. Special Use Permits - Pursuant to N.Y.S. Town Law §274-b the Planning Board is authorized to review, approve, approve with modifications or disapprove applications for those Special Permits assigned to the Planning Board in this Code in accordance to the standards or criteria adopted in that section [see §230.5.4.]

d. Site Plan Reviews - Pursuant to N.Y.S. Town Law §274a the Planning Board is authorized to review, approve, approve with modifications or disapprove applications for Site Plan Review designated in this Code to the standards or criteria adopted in this section.

e. Advisory Referrals and other powers - The Planning Board shall also exercise all other powers conferred upon it by the provisions of this Code and N.Y.S Town Law. It shall rule upon all matters which may be referred to it from time to time by resolution of the Town Board. It shall conduct hearings and perform its duties in accordance with the procedures provided in the applicable sections of the Town Law and of this Zoning Code.

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3. Special Use Permits

See §230.5.D Special Permits

4. Site Plan Review

a. Purpose - Site plan review seeks to promote the optimum site design within the limits of the dimensional requirements established in the zone district regulations. The following standards and procedures regulate the placement and design of buildings and improvements on a single property in order to achieve physical arrangements that are most appropriate to site conditions, public services, environmental resources and neighborhood character.

b. Authority

1) Compliance with Review

a) No land use, building, structure or improvement requiring Site Plan Review by this Zoning Code shall be constructed, occupied, modified, altered or changed except in compliance to the procedures and standards of this section.

b) Any previously established use or structure legally existing prior to the enactment of this Code, but which is now subject to Site Plan Review, shall be subject to the provisions of this section.

2) Relationship to Variances - In the event that an area variance from zoning dimensional requirements is necessary, the Board of Zoning Appeals may simultaneously review and decide such a request during the Planning Board's review of the Site Plan.

3) Site Plan Review Exemptions - See §230.5.E Minor Modifications to Approved Plans (Office of the Commissioner of Planning and Development)

4) Procedure and Application Required - All requests for Site Plan Review shall be subject to public hearing and the procedures established or authorized by this Code and shall be submitted on forms required by the Town. Application forms and Guidelines are available from the Department of Planning and Development. A graphic plan for the proposed development of a site shall accompany an application for a Site Plan Review. This plan shall show the features of the site, the proposal and any pertinent information in a level of detail established by the Planning Board.

5) Appropriateness of Site Plan Review Proposal - No Site Plan Review shall be granted unless the Planning Board finds that the standards established by this Code have been met by the applicant. The reasons for approval, approval with conditions or disapproval shall be documented and appropriately filed in Town offices.

6) Imposition of Conditions - The Planning Board may impose conditions when approving a Site Plan which shall be documented and appropriately filed in Town offices.

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c. General Site Plan Standards of Review (Part 1)

This section has two (2) parts: part 1 contains general standards applicable to all site plan uses; part 2 contains standards applicable to certain specified uses in addition to the general standards of Part 1.

All applications for Site Plan Review shall meet the following minimum standards of performance and that are elaborated upon in the Guidelines for a Site Plan Review available from the Department of Planning and Development.

1) Zoning Compliance

All development depicted in the proposed site plan shall comply with the applicable intent and regulations of the Town Zoning Code including the specific zone district in which it is located and to any other applicable Town, County, State or Federal regulations

2) Relationship to Site Conditions

Any proposed development shall be appropriate to the existing, or proposed site conditions such as slope, soil or drainage patterns. Any changes in grade, ground cover or vegetation, shall not cause erosion or adverse effects on drainage patterns and shall be appropriately designed for the site.

3) Relationship to Surrounding Properties

a) The proposed site plan shall ensure that the size, placement, design and construction materials of any buildings or improvements are compatible to the character and use of surrounding properties and neighborhood.

b) The proposed site plan shall ensure that drainage, lighting, signage and any other exterior effects of the proposal do not adversely affect surrounding properties.

4) Vehicular and Pedestrian Circulation

There shall be safe, efficient vehicular and pedestrian movement within the site, to neighboring properties and in relationship to streets serving the site.

5) Services and Utilities

The proposed site plan shall contain provision for water supply, wastewater disposal, drainage, fire protection and solid waste disposal that are adequate for the proposed use, established in conformance with applicable permit standards and procedures, and are consistent to the Town's long-term objectives for public facilities and services.

6) Environmental Resources

The site shall be located, designed and operated in a manner that avoids or minimizes disturbance of significant natural or cultural resources; is consistent with the site's soil capabilities to accommodate the development; provides overland drainage systems and controls storm water run-off in a manner conforming to area-wide drainage plans and Town planning objectives; and complies with applicable County, State or Federal regulations for significant environmental resources.

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7) Aesthetics

- a) The site shall be designed to include building materials, screening, landscaping treatments of structures, parking, drainage and storage areas that are consistent with existing development and aesthetic standards, or any guidelines promulgated by the Town, which minimize adverse visual affects on surrounding properties or public rights-of-way.
- b) Lighting and signage shall be appropriate in size, color and placement for the site and for the character of the surrounding area and have no adverse impact on surrounding properties.

8) Emissions

The detection of any noise, smoke, heat or odor shall be within limits established by this Code or other applicable laws or regulations. Such emissions shall be minimized and directed away from surrounding properties. Mechanical devices or attachments associated with these emissions are to be installed and maintained in accordance with applicable health and safety codes and adequately screened from view.

d. Specific Site Plan Review Standards (Part 2)

- 1) reserved for future use
- 2) reserved for future use

5. Town Board Referrals

The Town Board shall refer to the Planning Board for its advisory opinion all requests for zoning amendments. The Town Board may submit other matters for Planning Board comment (see also Town Board). The Planning Board shall respond to the Town Board in the following manner.

- 1) The Planning Board shall submit a written recommendation to the Town Board within thirty-two (32) days of receipt of referral, unless an extension is mutually agreed upon.
- 2) Informational Meetings and Hearings
 - a) The Planning Board may conduct an informational meeting on any proposed text amendments prior to making its advisory recommendation.
 - b) The Planning Board shall conduct an informational hearing on any proposed zone changes prior to making its advisory recommendation.

6. Cluster Development

The intent of this approach is to promote subdivision development which offers variety in lot size, site configuration, and affordable options in response to topography and natural features. This alternative shall result in design and development which promotes the most appropriate use of the land, facilitates the adequate and economical provision of streets and utilities and preserves the natural and scenic qualities of open land.

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a. **Definition. cluster development** – A development of lots, each containing less area than the minimum area required for the zone within which such development occurs, but maintaining the density limitation imposed by said minimum lot area, through the provision of open space, preservation of natural features, or more efficient use of land, as a part of the subdivision plan.

b. **Authority.** The Town Board may authorize the Planning Board on a case by case basis, pursuant to Town Law § 278, to vary the zoning requirements as to lot size, lot width and setback requirements in connection with a proposed subdivision plat, subject to the standards and procedures contained herein. Such variations shall result in cluster developments. The Town Board may authorize the Planning Board to mandate the owner of a property to submit an application for cluster development on such property.

c. **Procedure.** Cluster Development procedure shall follow the language set forth in Chapter 200, Subdivision of Land, of the Code of the Town of Clay.

d. **Applicability.** This authorization shall be applicable to the following residential, office, and commercial zone districts:

- RA-100 Residential/Agricultural
- R-40 One Family Residential
- R-15 One Family Residential
- R-10 One Family Residential
- O-1 Neighborhood Office
- O-2 Office
- NC-1 Neighborhood Commercial

e. **Minimum cluster site area.** To be eligible for clustering a site shall have a minimum of 20 acres in the specified residential zones, and 5 acres in the specified office and commercial zones.

f. **Minimum lot size.** Residential building lots shall not be reduced on the proposed clustered site to be less than the zone district having the next lesser lot size required by the Zoning Code (for example R-40 to R-15).

g. **Limit on setback reductions.** This authorization shall not allow the reduction of setbacks to zero feet that may result in attached single family structures or multiple family dwellings.

h. **Clustered density calculation.** The density calculation shall be based on the total approvable number of lots conforming to the conventional requirements and after deducting those areas that would not normally be included with such approvable lots. Deducted areas include but are not limited to:

- 1) Residential: roads, designated wetlands, ponds, streams, and stormwater detention areas.
- 2) Commercial: roads, designated wetlands, ponds, streams, and stormwater detention areas.

i. **Minimum open space.** There shall be a minimum of 20% of preserved open space and/or natural features resulting from each clustered site, after the deductions indicated in this section.

- 1) The developer will propose the specific areas to be retained as open space, subject to the approval of the Planning Board. The preserved open space shall be used for purposes such as; preserving important features, providing passive recreational opportunities, or preserving views.
- 2) The preserved open space resulting from the proposed clustering is separate from and in addition to any lands required pursuant to the Park and Recreation requirements of this Code.

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- j. Restriction and Recording of preserved open lands. Open space created by the use of cluster development shall be clearly labeled on the final plat as to its shape, use, ownership, management, method of preservation and the rights to such land, if any, of the property owners of the subdivision and the general public. The final plat should clearly identify that the open space is permanently reserved for open space purposes and shall not be platted for building lots. It shall also clearly indicate any other legal instruments such as conservation easements or deed restrictions employed to implement the preservation of open space.
- k. Modification of Town Cluster Criteria. The Town Board, upon request or upon its own initiative, may modify the cluster criteria by finding that the proposed cluster development is reasonable for the site and meets the intent of this section.

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§230.5.D Special Permits

This section establishes and describes the procedures and standards for Special Permit Reviews by all Boards within the Town of Clay. It includes the grant of authority by the Town Board for each Board to conduct reviews and approve or disapprove requests for Special Permit.

1. Purpose

The Special Permit approval process seeks to ensure that certain permitted uses are established in a manner that is appropriate and compatible to a site, neighborhood and zone district.

2. Authority

Individual Special Permits are assigned by this Code to the review authority of any one of the following boards: Town Board, ZBA or Planning Board - refer to each zone district or the Supplemental Regulations to determine the exact board for a specific land use activity or structure. The ZBA and Planning Board shall apply the provisions of this section to their respective reviews of Special Permit proposals. The Town Board may consider other factors or concerns it deems relevant to its review of a Special Permit proposal

3. Designation of land uses and/or structures

A Special Permit is required for those uses or structures so designated within a zone district or other sections of this Code. These uses or structures are hereby declared to possess characteristics of such unique and/or special form that each shall be considered as an individual case. Some uses or structures, specified in the specific Standards of Approval shall be subject to the satisfaction of additional requirements and standards set forth in this section and to any other applicable requirements of this Chapter.

4. Relationship to Variances

When necessary the simultaneous review of a Special Permit with an Area Variance for the same proposed development may occur and shall be coordinated among the appropriate reviewing boards. The ZBA may simultaneously review and decide on an Area Variance from zoning dimensional requirements if such Area Variance request is necessary.

5. Procedure and Application required

All Special Permit requests shall be subject to public hearing and the procedures established or authorized by this Code. All proposed Special Permits shall be submitted on forms required by the Town. Application forms and Guidelines are available from the Department of Planning and Development. A graphic plan for the proposed development of a site for a use or structure shall accompany an application for a Special Permit. This plan shall show the features of the site, the proposal and any pertinent information in a level of detail set by the reviewing board.

6. Appropriateness of Special Permit proposal

No Special Permit shall be granted by the reviewing board unless it finds that the use or structure for which the Special Permit is sought will not, under conditions that the reviewing board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.

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7. Imposition of conditions

The reviewing board may impose conditions when approving a Special Permit which shall be documented and appropriately filed in Town offices.

8. Limits on Special Permit approval

A Special Permit shall be deemed to authorize only one use or structure unless specifically authorized by the reviewing board.

Special Permit authorization shall expire or be voided if the proposal fails to be initiated by issuance of a building permit within twelve (12) months of approval; or after a maximum of two (2), twelve-month extensions have been granted by the Commissioner.

9. Standards of approval

This section has two (2) parts: part 1 contains general standards applicable to all Special Permit uses; part 2 contains standards applicable to certain specified uses in addition to the general standards of Part

All applications for Special Permit shall meet the following minimum standards of performance that are elaborated upon in the Guidelines for a Special Permit available from the Department of Planning and Development.

a. Special Permit Standards of Review, General (Part 1)

1) General Codes Compliance

The proposed use or structure shall comply with the applicable intent and regulations of the Town Zoning Code including the specific zone district in which it is located and to any other applicable Town, County, State or Federal regulations.

2) Conformance to Town Planning

- a) The proposed use or structure shall be so located and designed that it is compatible in size and character to existing patterns of development and land uses and/or is consistent with the long-term development objectives for the affected portions of the Town.
- b) The proposed use or structure shall be appropriately located with respect to the existing pattern of streets and other facilities including but not limited to: water, sanitary lines and drainage systems; and will not adversely affect the functioning of these facilities nor impede any planned improvements.

3) Scale of Development

The scale and design of the proposed use or structure shall be physically and visually compatible with the conditions of the site and surrounding properties and will be developed in a manner that ensures the provision of necessary public facilities, improvements and landscaping.

4) Vehicular and Pedestrian Circulation

There shall be safe and efficient vehicular and pedestrian movement within the site, to neighboring properties and in relationship to any streets serving the site.

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5) Public Safety, Services and Utilities

The proposed use or structure shall be served with adequate water supply, wastewater disposal and drainage facilities in compliance with applicable local, State or Federal requirements and shall include satisfactory provision for solid waste disposal, fire, police and emergency service protection, utilities and other services necessary to support the proposed use or structure.

6) Environmental Resources

The proposed use or structure shall be located, designed and operated in a manner that avoids or minimizes disturbance of significant natural or cultural resources; is consistent with the site's soil capabilities to accommodate the use or structure; provides overland drainage systems and controls storm water run-off in a manner conforming to area-wide drainage plans and Town planning objectives; and complies with applicable County, State or Federal regulations for significant environmental resources.

7) Aesthetics

a) The site shall be designed to include building materials, screening, landscaping treatments of structures, parking, drainage and storage areas that are consistent with existing development and aesthetic standards, or any guidelines promulgated by the Town, which minimize adverse visual affects on surrounding properties or public rights-of-way.

b) Lighting and signage shall be appropriate in size, color and placement for the site and the character of the surrounding area and has no adverse impact on surrounding properties.

8) Emissions

The detection of any noise, smoke, heat or odor shall be within limits established by this Code or other applicable laws or regulations. Such emissions shall be minimized and directed away from surrounding properties. Mechanical devices or attachments associated with these emissions are to be installed and maintained in accordance with applicable health and safety codes and adequately screened from view.

b. Special Permit Standards of Review, Specific (Part 2)

1) Home Occupation

Intent: The following provisions specify and explain the conditions under which a home occupation may be established and operated. These criteria are intended to fulfill the definition and are intended to allow residents to conduct certain incidental business activities within their homes while not altering the primary use or appearance of the property as a residential dwelling.

a) Limit on number: There shall be only one home occupation allowed per dwelling unit.

b) Applicant: The owner of the property or authorized representative shall be the applicant in all cases.

c) Discontinuance: A home occupation discontinued for any reason for a period of six (6) consecutive months may not be re-established without re-application to the Zoning Board of Appeals in compliance with these regulations.

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d) Transfer: A home occupation permit is specifically issued to the residents of the dwelling, and shall TERMINATE upon the departure of those residents and may not be transferred to a new resident without the express approval of the Zoning Board of Appeals.

e) Pre-existing: No home occupation existing on the date of enactment of this Code may be modified or altered in any way except in compliance with this section.

f) Employees: There shall be no non-resident employees of a home occupation with the following exception: non-resident employees are permitted for any profession that is mandated by State or Federal professional licenses to require on-premise attendants, assistants or similar employee aides.

g) Exterior display: To ensure that no exterior display or indication of the activity shall be visible to the general public, the following are prohibited including, but not limited to:

- (1) outdoor sales or display of items for sale;
- (2) signs, except one (1) identification sign measuring 2 (two) sq. ft. and subject to the Sign standards of §230.4 C;
- (3) on-site parking of more than one commercial vehicle associated with the home occupation unless housed in an enclosed residential garage;
- (4) any variation in the residential character of the property such as construction of a separate entrance, other exterior structural alteration (such window and lighting modifications), or the addition of parking area beyond what is explicitly authorized by the ZBA;
- (5) outdoor storage of any materials, goods, vehicles, machinery or similar materials associated with the home occupation.
- (6) production by the home occupation activity of odor, noise, lighting, or vibration

h) Location: A home occupation or parts of a home occupation activity may be located in the principal structure, accessory structures or combination of structures. No exterior area is to be used in conjunction with the activity except for authorized parking spaces.

i) Maximum extent: The maximum allowable gross floor area of a home occupation shall be calculated based upon the total first floor area of the principal structure. Regardless of location, the home occupation shall not utilize more than 25% of the first floor area of the principal structure or a cumulative total of 500 sq. ft., whichever is less. All areas devoted to the use of the home occupation shall be shown on a floor plan submitted with the Special Permit application.

j) Sales: On-premise sale of merchandise is prohibited except where clearly incidental and secondary to the home occupation, limited in scope, and where there is no exterior evidence of items for sale. This shall not prevent on-premise sales or mail order handling of materials stored and shipped from off-site.

k) Delivery Vehicles: The home occupation shall not increase the number or type of delivery vehicles customary to a dwelling.

l) Parking and pavement: A minimum and/or a maximum number of parking spaces shall be specified by the ZBA. The ZBA may also specify the location and extent of parking areas.

m) Hours: Hours of operation shall not exceed from 7:00 AM to 9:00 PM.

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- n) Hazards: The home occupation shall not create any hazard to neighboring persons or property and shall not cause any electronic interference, excessive noise, vibration, smoke, dust, odors, heat, or glare, on surrounding properties
- o) Group activity: The ZBA may limit the number and locations within the property where individuals or students shall receive group services or instruction.
- p) Multi-family dwellings: Home occupations shall be allowed in multi-family dwellings but only within those units that have direct pedestrian access to the outside of the structure and do not require any customer or client of the home occupation to use a shared or common corridor. The Zoning Board of Appeals may impose additional requirements on home occupations in multiple family dwellings for the protection of other residents.
- q) Additional conditions: The ZBA may impose additional conditions upon the home occupation to preserve the residential character of the site and neighborhood.

2) Drive-In Service

- a) Vehicular circulation: The lot shall have sufficient area and frontage for safe and efficient vehicular access, egress, internal circulation and provision of services without adversely affecting the flow of traffic on the abutting streets.
- b) Vehicular stacking: Provision for the stacking of five (5) vehicles waiting for service shall be maintained on-site for each drive-in service window or unit.
- c) Landscaped buffer: On each lot line abutting a residential use, there shall be a landscaped buffer, eight feet in width measured from the lot line, planted with a staggered double row of evergreen trees, installed at a height of four (4) feet, on six (6) foot centers, and maintained to a height of at least six (6) feet. The reviewing Board may authorize opaque fencing to be substituted for landscaping planting upon finding that such screening would provide a more effective buffer for the residential use.
- d) General landscaping: A landscaped area shall be maintained (exclusive of driveways) on all sides of the property having street frontage or abutting non-residential uses; treatment shall be of grass, ornamental stone, or evergreens maintained below two (2) feet in height, and surrounded by curbing (wood, stone, concrete) 4-6 inches in height. The landscaped area shall be of sufficient width and length for snow storage needs and to separate the site's vehicular areas from those of abutting uses and the streets.

3) Motor Vehicle Service and Repair

- a) The lot shall have sufficient area and frontage for safe and efficient vehicular access, egress, internal circulation and servicing of vehicles without adversely affecting the flow of traffic on the abutting streets.
- b) Entrance or exit driveways shall be located at least twenty (20) feet from any side or rear lot lines and at least 75 feet from any intersecting street right-of-way line.
- c) All fuel pumps and service areas shall be located at least thirty feet from any street line or thirty (30) feet from any other lot line.

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- d) All fuels including fuel oil, gasoline or similar substances shall be stored in underground tanks at least thirty-five (35) feet from any lot line, and tanks shall be installed and maintained in accordance with the current standards of the National Board of Fire Underwriters and the NYS Uniform Fire Prevention and Building Code. Vents must be at least twenty-five (25) feet from any lot line.
- e) Any inactive flammable liquid/fuel storage tank below grade must be removed within six (6) months after the dispensing of fuel or the use of the tank has ceased.
- f) All repair, painting, servicing or storage of parts, equipment, and containers of solvents, lubricants, waste oil and similar materials used directly in the operation of the use (other than dispensing of fuel, oil, water and air to vehicles) must be performed and contained within a principal or accessory structure.
- g) Vehicles awaiting routine repair must be stored on-site but not between the front building line and front property line
- h) On each lot line abutting a residential use, there shall be a landscaped buffer, eight feet in width measured from the lot line, planted with a staggered double row of evergreen trees, installed at a height of four (4) feet, on six (6) foot centers, and maintained to a height of at least six (6) feet. The Board of Appeals may authorize opaque fencing to be substituted for landscaping planting upon finding that such screening would provide a more effective buffer for the residential use.
- i) A landscaped area shall be maintained (exclusive of driveways) on all sides of the property having street frontage or abutting non-residential uses; treatment shall be of grass, ornamental stone, or evergreens maintained below two (2) feet in height, and surrounded by curbing (wood, stone, concrete) 4-6 inches in height. The landscaped area shall be of sufficient width and length for snow storage needs and to separate the site's vehicular areas from those of abutting uses and the streets.
- j) Waste disposal and similar accessory service areas shall be adequately screened from view and maintained to avoid any discharge of hazardous materials to the surface drainage system.

4) Motor Vehicle Sales

- a) All sales activities and vehicle storage or display shall be maintained outside of required yards.
- b) Accessory service and repair facilities shall be subject to the provisions of 3) above.

5) Utilities Substation

a) Notwithstanding anything set forth in any other section of this Zoning Code to the contrary, the following public utility uses shall be authorized within any district in the Town of Clay only upon the issuance of a special permit by the Town Board upon the determination by said Board that there is a sufficient compliance with the requirements of this section:

- (1) Utility substation;
- (2) Public transit or railroad electric substation
- (3) Public utility stations for gas or oil metering and regulating
- (4) Telephone exchange or other community equipment substations

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- (5) Terminal facilities at river crossings for access to electric, gas or steam lines;
- (6) Water or sewage pumping stations;
- (7) Communication towers, radio and television towers, relay stations, or transmitting or booster antennas;
- (8) Sewage treatment plants; and
- (9) Other public utility uses which are of the same general character as those listed above.

b) Utility substation procedure

The following procedure shall govern the issuance of a Special Permit for the public utility uses authorized in Subdivision A above.

- (1) An application for a public utility permit shall be made to the Town Board. The Town Board shall refer the application to the Planning Board for its review and recommendations to the Town Board. The application for the permit shall be on forms required by the Town and include a detailed graphic plan including a detailed landscaping plan.
- (2) The Planning Board shall review the application to determine if the plans comply with the requirements hereinafter set forth within forty-five (45) days after receipt of the application. The Planning Board shall deliver a written report to the Town Board in which it shall recommend approval, approval with modification, or disapproval of the application and shall state the reasons for its recommendation.
- (3) The Town Board, after a public hearing, may approve, approve with modification, or disapprove the application. The Town Clerk shall give notice of such hearing by the publication of a notice in the official newspaper, specifying the time when and the place where such hearing will be held and in general terms describing the application. Said notice shall be published at least ten (10) days prior to the day of the hearing.
- (4) The Commissioner of Planning and Development shall issue a building permit pursuant to said approval or approval with modification, upon finding compliance with all other applicable provisions of law.

c) Utility substation requirements and regulations

- (1) The public utility structures and uses authorized in Subdivision A shall conform to all the regulations of the District in which they are located and to any particular regulations which apply under other provisions of this Chapter. In addition, there shall be reasonable compatibility in all respects with any structure or use in the neighborhood, actual or permitted, which may be directly and substantially affected.
- (2) Public utility structures and uses shall be situated upon the site with consideration given for layout, public safety, health, screening, signs, access, landscaping, driveway and highway access, and architecture or design so that:
 - (a) The flow, control and safety of traffic shall not be adversely affected to an unreasonable degree;
 - (b) There shall be reasonable provision for open spaces and yards, appropriate to the structure and use;
 - (c) The utility shall not be in conflict with other utilities in the area;
 - (d) The uses and facilities affixed to the land shall not be located closer than twenty (20) feet to any lot line and any television, radio, or other type tower shall

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be located on a lot which is of sufficient size so its setback will be at least the height of the structure plus twenty-five (25) feet;

(e) All parking for service and employee shall be on site;

(f) The structure shall be adequately landscaped with year round evergreen shrubbery and trees; and electric or gas utility substations or water pumping stations shall be surrounded with fences barriers, and safety devices prescribed by the Town Board

(g) The location and height of buildings; the location, nature and height of walls, fences and other structures, and the nature and extent of drainage and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent lands and buildings, nor impair the value thereof;

(h) The outside storage of equipment shall not be permitted on the site; all lighting shall be directed away from adjacent lots and public thoroughfares; and

(i) The Town Board may require additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including performance standards governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, humidity, heat or glare applicable to the District in which such use, building or other structure, or tract of land is located

6) reserved for future use

7) reserved for future use

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§230.5.E Office of Commissioner of Planning and Development (Department of Planning & Development)

This section sets forth and describes the responsibilities of the Office of Commissioner of Planning and Development for the Town of Clay. It includes the grant of authority by the Town Board, a delegation of power to administer and apply the Zoning Code and to provide necessary support to the various boards within the Town.

1. Establishment

The Office of Commissioner of Planning and Development is established by Chapters 26 & 109 of the Town of Clay Municipal Code. The Commissioner, by authority of this Code is further authorized to administer the Town Zoning Code and Subdivision Regulations at the direction of the Town Board, Planning Board and Zoning Board of Appeals and to assume other responsibilities as directed by these Boards.

2. Powers and Duties

- a. Building Permits - The Commissioner shall be responsible for the issuance or denial of building permits for any activity requiring such permit by this Zoning Code pursuant to Chapter 26 of the Town Municipal Code.
- b. Certificates of Occupancy - The Commissioner shall be responsible for the issuance or denial of certificate of occupancy for any activity requiring such permit by this Zoning Code pursuant to Chapter 26 of the Town Municipal Code.
- c. Minor Modifications to Approved Site Plans - The Commissioner is authorized to approve, approve with modifications, or disapprove minor modifications to site plans for uses and structures subject to Site Plan Review by the Planning Board.
- d. Subdivision Adjustments - The Commissioner is authorized to approve, approve with modifications, or disapprove minor adjustments to lot lines including relocation of a lot line, consolidation of lots, and transfer of portions of lots between adjacent properties.
- e. Guidelines, Procedures, Rules and Regulations The Commissioner shall be responsible for maintaining records and developing appropriate forms to process applications for building permits or certificates of occupancy, and offering the necessary assistance to applicants and Town Officials in the application of the Zoning Code and Subdivision Regulations.
- f. Technical support to Boards - The Commissioner shall be available to advise and support the various boards of the Town government including assistance in applying the Zoning Code and Subdivision Regulations; drafting forms, guidelines or procedures for board adoption; analyzing zoning or subdivision applications.
- g. Commissioner's Discretion for Application Submission Requirements - The Commissioner is authorized to modify the contents of any material required for submission for any zoning or subdivision application. Such modification shall be:
 - 1) limited to the level of detail of information to be presented (e.g. scale of plans, material specifications, or degree of measurement or accuracy); and
 - 2) based upon an understanding that the level of submission is appropriate to the stage of board review and the complexity of the proposal; and
 - 3) received by the reviewing board which may require additional materials to be submitted in the course of its review.

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h. Other powers and responsibilities - The Commissioner shall be responsible for such other responsibilities as described in Chapters 26 and 109 of the Clay Municipal Code and any other powers or responsibilities delegated by the Town Board, Zoning Board of Appeals or Planning Board.

3. Building Permits

see Chapter 26

4. Certificates of Occupancy

see Chapter 26.

5. Minor Modifications to Approved Site Plans

This section establishes standards of review for changes to a site that has been previously granted site plan approval. No board review is likely for changes within the standards of §5a below, however the applicant will be responsible for building, occupancy or similar permits which may be necessary. §5b describes when some larger modifications may be approved by the Commissioner. Any change exceeding the requirements of §5a and §5b shall be considered a substantial modification and must be approved as a new proposal.

a. Non-substantial Modification

The Commissioner has the authority to issue a building permit or certificate of occupancy for additions or modifications of land uses and/or structures previously subject to Site Plan Review approval, provided there is not more than one (1) proposed addition or modification within any 24 month time period, and the proposal adds less than 50% of the ground level space of the existing building or structure, or less than 10,000 square feet, whichever is less; or is found by the Commissioner of Planning to comply with the following:

1) Dangerous Condition

Removal or repair of a dangerous condition determined by an enforcement agency that circumstances exist which, if not corrected, contribute a threat to life, health or safety of the general public or such other persons for whose protection such regulations were intended. Such determination may be verbal or in writing. The term "enforcement agency" shall refer to any public agency or official having jurisdiction to issue orders affecting the life, health and safety of persons within the town.

2). Principal and Accessory Structures

Routine repair, replacement or maintenance of electrical or mechanical installations, or of damaged or worn parts or surfaces, including repainting, facade repair and roof replacements.

3) Ownership

Changes in ownership or management of an establishment, excluding a home occupation, which do not change the use of the property.

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4). Lot Dimensions

Any change or modification in lot configuration, if it does not substantially affect an approved Site Plan.

5) Parking

Replacement or repair of existing pavement or painting of driveway and parking areas without altering the approved traffic pattern.

6) Landscaping

Routine landscaping and plant replacement, establishment of new landscaped areas without altering the approved vehicular or pedestrian circulation and parking patterns; such changes should be consistent with any applicable controls in the approved plan concerning height, location, and visibility.

7) Screening Devices

Repair or replacement, in kind, of existing required screening devices.

8) Signs

Repair or replacement, in kind, of existing signs including changes in text.

b. Additional Authority for Commissioner to Approve Site Plan Modifications

The Commissioner has the authority to approve, approve with modifications or disapprove any proposed addition or modification that exceeds the standards of §5a, above, upon finding that the proposed addition or modification remains within the intent of the Planning Board's original Site Plan approval. The Commissioner may, at any time, consult with the Planning Board to determine the appropriateness of the Commissioner's review. The Commissioner may, at any time, find that the proposal is beyond the scope of the original approval, decline to act, and require a new submission to the Planning Board.

c. Substantial Modification - major board review

Any change or modification determined by the Commissioner to exceed or not be applicable to §5a or §5b shall be subject to review as a new proposal pursuant to the applicable sections of this Code.

d. Procedures and Submissions for Minor Modifications

- 1) The applicant shall submit to the Commissioner written and/or site plan materials adequately describing the nature of the proposed modification.
- 2) The Commissioner shall evaluate the nature and extent of the proposed modifications.
- 3) Upon finding that the proposed modifications are within the standards of §E.1 or §E.2 above, the Commissioner shall act to approve, approve with modifications or disapprove the request.
- 4) Copies of the approved modifications shall be filed in the original official file and transmitted to the applicant.

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6. Subdivision Adjustments

This section describes the circumstances and standards under which proposed subdivisions may be approved by the Commissioner of Planning and Development. It establishes a sub-group of subdivision actions that while complying with the standards of Town's Subdivision Regulations and Zoning Code do not need Planning Board review or approval.

a. Purpose

This section is to allow for the minor reallocation of land between existing lots while not altering the allowable use of the lots or the infrastructure of the area. It may be used to correct platting errors or to facilitate a more effective use of a lot.

b. Authority

1) The Commissioner is authorized to approve, approve with modifications or disapprove Subdivision Adjustments.

2) The Commissioner shall not adjust lot lines on more than fifty (50%) of the original lots contained in a filed or un-filed plat.

3) Standards of Approval

a) Each lot affected by a proposed lot line relocation or line removal must comply with the minimum dimensional requirements of the applicable zone district.

b) The lot line relocation may be for any purpose such as improved landscape buffer, snow storage, or re-orientation of buildings.

c) No lot line adjustment shall increase the degree of any non-conformity.

d) A Consolidation of land shall result in a lot(s) that meets the minimal dimensional requirements of the applicable zone district. Legal non-conforming lots may be consolidated resulting in a single lot with a diminished degree of non-conformity; an Area Variance may still be required.

e) No Subdivision Adjustment shall result in a lot or lots that could substantially alter the purpose or impact of an existing site development unless the land use or structures are subject to appropriate reviews by applicable town board(s). Such adjustment shall be conditioned upon the issuance of the approvals from the appropriate town board(s).

d. Procedure

1) All requests for minor subdivision adjustment shall be submitted on forms available from the Office of Planning and Development.

2) Simultaneous requests for Subdivision Adjustment shall be submitted by each affected property owner when a proposed Subdivision Adjustment is for a transfer of land area between two separate properties. This is to avoid even the temporary creation of a strip or configuration of land not complying with the zoning requirements.

3) All Subdivision Adjustments shall be filed according to the Town and County procedures and standards applicable to subdivision plats prior to any conveyance, development or permits.