

Table of Contents

Town of Seneca Zoning Law

Article I. General Provisions.....	1
§ 1.0 Short Title	1
§ 2.0 General Purpose and Intent	1
§ 3.0 Applicability.....	2
Article II. Definitions	5
§ 4.0 Word Usage and Interpretation	5
§ 5.0 Definitions	6
Article III. Zoning Districts Established.....	25
§ 6.0 Zoning Districts Established.....	25
§ 7.0 Zoning Map.....	25
§ 8.0 District Boundaries.....	26
Article IV. AG - Agricultural Zoning District	27
§ 9.0 Purpose	27
§ 10.0 Permitted Uses	27
§ 11.0 Limited Uses.....	27
§ 12.0 Accessory Uses	28
§ 13.0 Permitted Uses Subject To Site Plan Review	29
§ 14.0 Special Permitted Uses	29
§ 15.0 Lot, Area And Yard Requirements	30
§ 16.0 Bulk Requirements	32
§ 17.0 Personal Wireless Telecommunications Facilities (PWTF)	32
§ 18.0 Additional Regulations	32
Article V. R-1 Low Density Residential District	33
§ 19.0 Purpose	33
§ 20.0 Permitted Uses	33
§ 21.0 Accessory Uses	34
§ 22.0 Permitted Uses Subject to Site Plan Review	35
§ 23.0 Special Permit Uses.....	35
§ 24.0 Lot, Area and Yard Requirements	35
§ 25.0 Bulk Requirements.....	37
§ 26.0 Personal Wireless Telecommunications Facilities (PWTF)	37
§ 27.0 Additional Regulations	37

Article VI. R-2 Medium Density Residential District	39
§ 28.0 Purpose	39
§ 29.0 Permitted Uses	39
§ 30.0 Accessory Uses	40
§ 31.0 Permitted Uses Subject to Site Plan Review	41
§ 32.0 Special Permitted Uses	41
§ 33.0 Lot, Area and Yard Requirements	41
§ 34.0 Bulk Requirements	44
§ 35.0 Personal Wireless Telecommunications Facilities (PWTF)	44
§ 36.0 Additional Regulations	44
Article VII. C-1 General Mixed Use District.....	45
§ 37.0 Purpose	45
§ 38.0 Permitted Uses and Structures	45
§ 39.0 Accessory Uses	46
§ 40.0 Permitted Uses Subject to Site Plan Review	47
§ 41.0 Special Permit Uses	47
§ 42.0 Lot, Area and Yard Requirements	48
§ 43.0 Bulk Requirements	50
§ 44.0 Personal Wireless Telecommunications Facilities (PWTF)	50
§ 45.0 Additional Regulations	50
Article VIII. C-2 Community Commercial District	51
§ 46.0 Purpose	51
§ 47.0 Permitted Uses and Structures	51
§ 48.0 Accessory Uses	52
§ 49.0 Permitted Uses subject to site plan review	53
§ 50.0 Special Permit Uses	54
§ 51.0 Lot, Area and Yard Requirements	55
§ 52.0 Bulk Requirements	57
§ 53.0 Personal Wireless Telecommunications Facilities (PWTF)	57
§ 54.0 Additional Regulations	57
Article IX. M-1 General Industrial District	59
§ 55.0 Purpose	59
§ 56.0 Permitted Uses and Structures	59
§ 57.0 Accessory Uses	59
§ 58.0 Permitted Uses Subject To Site Plan Review	60
§ 59.0 Limited Uses and Structures	61
§ 60.0 Lot, Area and Yard Requirements	61
§ 61.0 Bulk Requirements	62
§ 62.0 Personal Wireless Telecommunications Facilities (PWTF)	62
§ 63.0 Additional Regulations	62

Article X. PUD Planned Unit Development	63
§ 64.0 Purpose	63
§ 65.0 Location	63
§ 66.0 District Ownership and Size	63
§ 67.0 Requirements and Standards	64
§ 68.0 Incremental Development in Approved PUD Districts	65
§ 69.0 Personal Wireless Telecommunications Facilities (PWTF)	65
§ 70.0 Additional Regulations	65
 Article XI. Additional Requirements for Specified Uses	 67
§ 71.0 Purpose	67
§ 72.0 Accessory Uses	67
§ 73.0 Animal Hospitals	67
§ 74.0 Bed And Breakfast	67
§ 75.0 Butcher/Meat Shops	68
§ 76.0 Camping Grounds	68
§ 77.0 Car Washes	70
§ 78.0 Day Care Centers	70
§ 79.0 Excavation Operations	71
§ 80.0 Home Occupations, Low Intensity	73
§ 81.0 Home Occupations, High Intensity	74
§ 82.0 Horses and Livestock	75
§ 83.0 Hotels and Motels	75
§ 84.0 Individual Wastewater Treatment System	76
§ 85.0 Junk Vehicles	76
§ 86.0 Junkyards or Salvage Yards	77
§ 87.0 Kennels	78
§ 88.0 Manufactured Homes	78
§ 89.0 Manufactured home Parks	79
§ 90.0 Personal Wireless Telecommunication Facilities (PWTF)	81
§ 91.0 Private Airfields, Landing Strips	85
§ 92.0 Public Utilities	85
§ 93.0 Satellite Television Receiving Antennas	85
§ 94.0 Sexually Oriented Businesses	86
§ 95.0 Single-Family Dwellings	87
§ 96.0 Shopping Centers	88
§ 97.0 Swimming Pools	88
§ 98.0 Temporary Uses	89
§ 99.0 Vehicle Rental Services	91
§ 100.0 Vehicle Repair Stations	91
§ 101.0 Vehicle Sales Areas	92
§ 102.0 Vehicle Service Stations	92
§ 103.0 Vehicle Storage Areas	93
§ 104.0 Waste Disposal Sites	94
§ 105.0 Waste Stations	94

Article XII. Requirements Applying to All Districts.....	95
§ 106.0 Purpose	95
§ 107.0 Air Quality	95
§ 108.0 Fences And Walls	95
§ 109.0 Floodplain Regulations	97
§ 110.0 Landscaping, Buffers and Screening	99
§ 111.0 Lighting.....	102
§ 112.0 Off-Street Parking.....	103
§ 113.0 Off Street Stacking Requirements.....	108
§ 114.0 Outdoor Storage	109
§ 115.0 Signs.....	110
§ 116.0 Site Grading, Cutting and Filling	115
Article XIII. Review Authorities.....	117
§ 117.0 Responsibility for Administration	117
§ 118.0 Town Board	117
§ 119.0 Planning Board.....	118
§ 120.0 Zoning Board of Appeals.....	123
§ 121.0 Zoning/Code Enforcement Officer.....	127
Article XIV. Procedures.....	129
§ 122.0 Common Review Procedures	129
§ 123.0 Procedures Approved by the Town Board	131
§ 124.0 Procedures Approved by the Planning Board.....	144
§ 125.0 Procedures Approved by the Zoning Board of Appeals.....	151
§ 126.0 Procedures Approved by the Zoning/Code Enforcement Officer.....	160
Article XV. Exceptions	163
§ 127.0 Height.....	163
§ 128.0 Yards.....	163
Article XVI. Non-Conforming Uses, Structures and Signs	165
§ 129.0 Purpose	165
§ 130.0 Nonconforming Use	165
§ 131.0 Nonconforming Buildings or Structures	168
§ 132.0 Nonconforming Lots of Record.....	169
§ 133.0 Nonconforming Signs	169
Article XVII. Enforcement.....	171
§ 134.0 Code Compliance Required	171
§ 135.0 Enforcement Responsibility	171
§ 136.0 Penalties	171
§ 137.0 Accumulated Fines	171
§ 138.0 Remedies and Enforcement Powers	172

Article I. General Provisions

§ 1.0 Short Title

This law shall be known as the “Town of Seneca Zoning Law” for the Town of Seneca in the County of Ontario, State of New York.

§ 2.0 General Purpose and Intent

The purpose of this Zoning Law is to provide for the orderly growth in the Town of Seneca in accordance with the Town’s recently completed comprehensive plan and the Route 5&20 Corridor Management Plan. The Zoning Law offers guidance on the use, height and bulk of uses; areas have been specifically designated for residential, commercial and industrial growth and other areas have been identified for preservation. This protects the overall character of the Town, develops cohesive “neighborhoods” and minimizes conflicts among land uses.

This Law establishes and implements regulatory powers to the ends that adequate light, pure air, convenient access and safety from fire, flood and other dangers may be secured; that the taxable value of land and buildings throughout the Town may be conserved and enhanced; that congestion in the public streets may be lessened or avoided; that the hazards to persons and damage to property resulting from the accumulation or runoff of stormwater may be lessened or avoided; that sites, areas and structures of historical, architectural and aesthetic importance may be preserved; and that the public health, safety, comfort, morals and welfare may otherwise be promoted. To these ends this Law is enacted to:

- A. Guide and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.
- B. Protect the established character and the social and economic well-being of both private and public property.
- C. Promote, in the public interest, the utilization of land for the purposes for which it is most desirable and best adapted.
- D. Regulate and limit the height, bulk and location of buildings.
- E. Establish, regulate and limit the building or setback lines on or along streets in the Town.
- F. Regulate and limit the density of population and the intensity of uses of lot areas.
- G. Regulate and determine the area of yards, courts and other open spaces within and surrounding buildings.
- H. Classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses.
- I. Divide the entire Town into districts of such number, shape and area, and of such different classes according to use of land and buildings, height and bulk of buildings, intensity of use of lot areas, area of open spaces and other classifications as may be deemed best suited to regulate development.
- J. Fix standards to which buildings or structures in such districts shall conform.
- K. Prohibit uses, buildings or structures incompatible with the character of established districts.

- L. Provide regulations pertaining to pre-existing lots, structures and uses that do not conform to the regulations, standards, restrictions and limitations established by this Law.
- M. Prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed by this Law.
- N. Provide for variances from such regulations, standards, restrictions and limitations.
- O. Provide for Special Permits Uses, Planned Development District Uses, Cluster Development Uses and other uses requiring special approval, within the established districts.
- P. Provide administrative bodies and procedures as shall be necessary to the implementation and enforcement of the various provisions of this Law.
- Q. Provide for the orderly amendment of this Law.

§ 3.0 Applicability

A. General Scope

(1) Territorial Application

This Law shall apply to all structures, land and uses within the corporate limits of the Town of Seneca, New York. No uses shall be permitted within any public right-of-way.

(2) General Application

All buildings and structures erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Law which are applicable to the zoning districts in which such buildings, structures, uses or land are located. Existing buildings, structures and uses that do not comply with the regulations of this Law shall be allowed to continue subject to the provisions of Article XVI relating to nonconformities.

(3) General Prohibition

No building or structure; no use of any building, structure or land; and no lot of record or zoning lot now or hereafter existing shall hereafter be established, altered, moved, divided or maintained in any manner except as authorized by the provisions of this Law.

(4) Other Laws within the Town of Seneca

All applications under this Chapter in the Town of Seneca shall adhere to all applicable laws, ordinances and regulations including, but not limited to, the Town of Seneca Right to Farm Law and the Town of Seneca Stormwater Management Law.

(5) Private Agreements

This Law is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Law are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Law shall govern.

B. Existing Variances and Special Permits

Any Variance, Special Exception or Special Use Permit lawfully issued prior to the effective date of this Law, or any amendment thereof, which could be lawfully issued pursuant to the provisions in effect after such effective date shall be deemed to be and continue valid after such effective date. Any structure or use lawfully authorized by any such Variance or Special Permit that could not be so issued after such effective date shall be allowed to continue subject to the provisions of Article XVI dealing with lawfully existing nonconformities.

C. Building Permits Issued Prior to Effective Date

(1) Completion of Construction

Nothing in this Law shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:

- (a) A building permit for such structure was lawfully issued prior to the effective date of this Law, or any amendment thereof; and
- (b) Such permit had not by its own terms expired prior to such effective date; and
- (c) Such permit was lawfully and properly issued in accordance with the law prior to such effective date; and
- (d) There has been a substantial change of position, substantial expenditures or incurrence of substantial obligations by the permit holder in reliance on such permit; and
- (e) Such change of position, expenditures or incurrence of obligations occurred prior to the time the permit holder had actual or constructive knowledge of any proposed amendment to this Law which would, upon adoption, make the issuance of such permit illegal; and
- (f) Construction pursuant to such permit is commenced prior to the expiration of such permit and within ninety (90) days of its issuance and is thereafter diligently pursued to completion.

D. Pending Applications

Any complete application submitted prior to the effective date of the adoption of this Zoning Code or any subsequent amendment thereto shall proceed under the regulations in place at the time such application was determined complete.

E. Repeal of Prior Provisions

The Town of Seneca Zoning Ordinance dated July 1992 is hereby repealed in its entirety. Except as expressly provided in said Law, as revised thereby, such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected.

F. Severability - Provisions Declared Invalid

- (1) If any court of competent jurisdiction shall adjudge any provision of this Law to be invalid, such judgment shall not affect any other provisions of this Law.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Law to a particular property, building or structure, such judgment shall not affect the application of the said provision to any other property, building or structure.

G. Effective Date

This Law shall become effective within thirty (30) days from the date of its adoption. Whenever used in this Law, the term "effective date" shall mean October 19, 2004.

Article II. Definitions

§ 4.0 Word Usage and Interpretation

In the interpretation of this Law, the provisions and rules of this Law shall be observed and applied, except when the context clearly requires otherwise.

- A. Words in the present tense include the future;
- B. Words in the singular include the plural and the plural the singular;
- C. The word "shall" is intended to be mandatory;
- D. The word "lot" shall include the word "plot" or "parcel";
- E. The word "person" shall include an individual, firm or corporation;
- F. A building or structure includes any part thereof;
- G. The word "and" indicates that all connected items, conditions, provisions or events shall apply;
- H. The word "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination;
- I. The words "either...or" indicates that the connected items, conditions, provisions or events may apply singly but not in any combination.
- J. The word "Town" means the Town of Seneca, New York.
- K. The word "County" means the County of Ontario, New York.

In case of any difference of meaning or implication between the text of this Law and any caption, illustration or table, the text shall control.

§ 5.0 Definitions

When used in this Law, the following terms shall have the meanings herein ascribed to them. Where any definition is divided into classifications or categories of activities or uses, each classification or category shall be considered a different activity or use requiring separate application of the provisions of this Law.

ACCESSORY USE OR STRUCTURE – An accessory use or structure that:

- Is subordinate to and serves a principal building or a principal use; and
- Is subordinate in area, extent and purpose to the principal structure or principal use served; and
- Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served; and
- Is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Law.

ADULT ARCADE -- Any business enterprise that offers or maintains one or more adult video viewing booths.

ADULT CABARET -- Any business enterprise which regularly features or offers to the public, customers or members, performances by persons who appear nude or semi-nude or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

ADULT MOVIE THEATER -- Any business enterprise which regularly features or offers to the public the presentation of motion picture films, movies or sound recordings which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are presented to a common audience of more than five persons in an enclosed common area or are presented in a common area of more than one hundred fifty (150) square feet.

ADULT RETAIL STORE – A business enterprise that meets any of the following tests:

- Offers for sale or rental items from any two of the following categories:
 - Sexually oriented materials including books and videos;
 - Lingerie; or
 - Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities;
- Offers for sale sexually oriented toys and novelties, except a business enterprise which devotes less than ten (10) percent of its stock in trade and sales and display area to sexually oriented materials, with all sexually oriented toys and novelties separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter the area;
- Devotes more than ten (10) percent of its stock in trade or sales and display area to sexually oriented materials without having all sexually oriented materials separated from other sales and display areas by an opaque wall at least eight (8) feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter the area;
- Devotes more than forty (40) percent of its stock in trade or sales and display area to sexually oriented materials; or
- Advertises or holds itself out in signage visible from the public right-of-way as “X...,” “adult,” “sex” or otherwise as a sexually oriented business.

ADULT RETAIL STORE, LIMITED – Any business enterprise which offers for sale or rental sexually oriented materials, and which devotes at least ten (10) percent and not more than forty (40) percent of its stock in trade or sales and display area to sexually oriented materials, provided that:

- The following items are not also offered for sale:
 - Lingerie; or
 - Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities;
- All sexually oriented materials are separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen years are allowed to enter the area; and
- The business enterprise does not advertise or hold itself out in signage visible from the public right-of-way as “X...,” “adult,” “sex” or otherwise as a sexually oriented business.

ALTERATIONS - As applied to a building or structure, the change or rearrangement in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or in the exit facilities; an enlargement of a building or structure, whether by extending on a side or by increasing in height; the moving from one location or position to another; any alteration whereby a structure is adapted to another or different use.

AMUSEMENT CENTER - The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard, or lot, on or within which is offered or operated any amusement game. This definition shall not include such premises in which jukeboxes are the only type of amusement game.

ANTENNA - A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include, but not be limited to, cellular, paging, personal communications services and microwave communications.

ANTENNA SUPPORT STRUCTURE - A structure other than a telecommunications tower, which is attached to a building and on which transmitting and/or receiving antenna(s) are located.

APARTMENT - A room or suite of rooms used as a single dwelling unit, located in a building in which there are two or more such rooms or suites.

APARTMENT BUILDING - A building arranged, intended or designed to be occupied by three or more families living independently of each other.

APPEAL - A request for the review of the local administrator's interpretation of any provision of this Law or a request for a variance.

ATTACHED DWELLING -- See "Dwelling, Attached."

AUTOMOBILE WRECKING -- The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

AREA OF SHALLOW FLOODING -- A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flows may be evident.

AREA OF SPECIAL FLOOD HAZARD -- Land in the floodplain subject to a one- percent or greater chance of flooding in any given year.

BASE FLOOD - The one-hundred-year flood, that is, the flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD LEVEL - The highest elevation of water during the base flood. "Base flood levels" throughout the Town are listed in the most current publication of the Flood Insurance Study, Town of Seneca, New York, Ontario County, Federal Insurance Administration, United States Department of Housing and Urban Development.

BASEMENT - That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

BED AND BREAKFAST - An owner-occupied and operated dwelling originally designed as a residential structure where limited overnight lodging and a breakfast are provided for compensation to tourist or recreational guests.

BUFFER AREA -- Strips of land area covered with grass, vegetation, trees, fencing, embankments or berms designed to separate or screen one zoning district or use from another zoning district or use or from a highway.

BUILDING - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

BUILDING COVERAGE - The percentage of a lot area occupied by the ground area of principal and accessory buildings on such lot, excluding the area occupied by a solar collector.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING CODE -- The New York State Uniform Fire Prevention and Building Code.

BUILDING FRONT - The exterior wall of a building facing the front line of the lot.

BUILDING FRONTAGE -- The length along a ground floor building front facing a street or private way accessible from a street which is occupied by a separate and distinct use; or the length along a ground floor building side facing a street which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

BUILDING HEIGHT - The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE -- A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or a projected roof or porch, the vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than one foot in width. All yard and setback requirements are measured to the building lines.

CAMPING GROUND -- A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding manufactured homes designed for year-round occupancy or as a place of residence.

CAR WASH -- Any building or premises, or portion thereof, the use of which is devoted to the business of washing automobiles for a fee, whether by automated cleaning devices or otherwise.

CHANGE OF USE – A transition to a use that is different, in terms of specific use type, than the use it replaces. Not included are changes in occupancy involving the same specific use where there is not increase in floor area, extension of use or addition.

COASTAL HIGH HAZARD AREA -- The area subject to high velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE, VO or V.

COMMERCIAL VEHICLE – All trucks, vans, construction equipment and limousines, bearing commercial license plates and with a gross vehicle weight, as defined by the manufacturer, that is in excess of four (4) tons.

CORNER LOT -- See "Lot, Corner."

COVERAGE -- See "Lot, Coverage."

DAY CARE – Daytime care or instruction of three or more persons away from their own homes for more than three but less than 24 hours per day, by an individual, association, corporation, institution or agency, whether or not for compensation or reward.

DAY CARE CENTER – A place other than an occupied residence providing or designed to provide day care, or an occupied residence providing or designed to provide day care for nine or more persons.

DAY CARE HOME, FAMILY – A program caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children. A family day care provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the department.

DAY CARE HOMES, FAMILY ADULT – A program caring for adults for more than three hours per day per person in which day care is provided in a family home for three to six adults.

DAY CARE HOME, GROUP FAMILY -- A program caring for children for more than three hours per day per child in which child day care is provided in a family home for seven to ten children of all ages, or up to twelve children where all of such children are over two years of age, except for those programs operating as a family day care home which care for seven or eight children. A group family day care provider may provide child day care services to two additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session.

DEVELOPMENT PLAN -- Any plan hereinafter adopted by the Town Board, after notice and a public hearing, for the development or redevelopment of an area with specific geographic boundaries, which clearly identifies the purposes of the development or redevelopment and involves one or more elements of land acquisition, site clearance, rehabilitation or construction of buildings, construction or reconstruction of public improvements and land disposition and which is specifically designated a "development plan" for purposes of this Law. This definition shall also include any Urban Renewal Plans and the Downtown Cultural District Plan.

DRIVE-THRU -- Includes drive-thru refreshment stands, banks and the like where patrons are served directly in automobiles.

DWELLING -- Any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto.

DWELLING, ATTACHED -- A row of two or more adjoining dwelling units, each of which is separated from the others by one or more un-pierced walls extending from ground to roof.

DWELLING, MANUFACTURED HOME -- A structure transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under 24 CFR Part 2382.

DWELLING, MODULAR HOME -- A home as defined by the NYS Uniform Building and Fire Prevention Code.

DWELLING, MULTIFAMILY -- A dwelling designed for or occupied by more than two families.

DWELLING, SINGLE-FAMILY DETACHED -- A dwelling designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other dwelling unit.

DWELLING, TWO-FAMILY -- A dwelling designed for and occupied by not more than two families in separate dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

DWELLING UNIT -- One room, or a group of rooms joined to each other and not regularly locked, located in a dwelling, designed and maintained as a unified living quarter, occupied by a family, containing integrated facilities used for living, sleeping, cooking, eating and sanitation.

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

ENLARGEMENT – An addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in that portion of a tract of land occupied by an existing use.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical telecommunications or water transmission and/or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health, safety or general welfare. This definition expressly excludes power generation facilities or sites for the disposal of waste materials associated with the provision of such services.

EXCAVATION -- The process of the removal of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means.

EXCAVATION SITE -- A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

EXPANSION – An increase in the amount of existing floor area used for an existing use within an existing building.

EXTERIOR WALL – Any wall, which defines the exterior boundaries of a building or its courts or of a structure.

FAMILY – Persons occupying a dwelling unit and living together as a family unit. It shall be presumptive evidence that more than four (4) persons living in a single dwelling unit who are not related by blood, marriage, domestic partnership or legal adoption do not constitute the family unit. In determining whether individuals are living together as a family unit, the following criteria must be present:

- The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
- The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
- The group is permanent and stable. Evidence of such permanency and stability may include:
 - The presence of minor dependent children regularly residing in the household who are enrolled in a local school;
 - Members of the household having the same address for the purposes of voter registration, driver's license, motor vehicle registration and filing of taxes;
 - Members of the household are employed in the area;
 - The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
 - Common ownership of the furniture and appliances among the members of the household; and
 - The group is not transient or temporary in nature;
- Any other factor reasonably related to whether or not the group is the functional equivalent of a family;
- A fraternity or sorority will not be considered the functional equivalent of a family.

FARM - Any parcel containing at least 10 acres of land, which is worked for, gain in the growing of agricultural products or the raising of animals. It includes necessary farm structures within the prescribed limitations and the storage of equipment used. It excludes riding academies, livery or boarding stables and kennels. Farm activities may be permitted on parcels of land of less than 10 acres except that on such parcels the raising of fur bearing animals, swine and poultry may only be permitted with a Special Permit. The retail sale of non-farm products from such premises shall be prohibited.

FARM BUILDING - Any building used for the housing of agricultural equipment, produce, livestock or poultry, or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operation of the farm as defined by this section. The term "farm building" shall not include "farm dwelling."

FARM DWELLING - A dwelling located on a farm and occupied by a family engaged in agricultural activities.

FENCE - A structure of wood, masonry, wire mesh or other material which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property, erected for the purpose of assuring privacy or protection.

FINISHED GRADE LEVEL -- The level where the finished grade of the ground intersects the foundation walls. Height measurements shall be based from the finished grade level.

FLOOD -- General or temporary condition of partial or complete inundation of normally dry land areas caused by overflow of inland or tidal waters or the rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) - The most current official map for the Town, which is prepared by the Federal Emergency Management Agency as part of the Flood Insurance Study. The "FBFM" delineates the regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD HAZARD BOUNDARY MAP -- An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP - The most current official map for the Town on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones in the Town.

FLOOD INSURANCE STUDY -- The most current official report for the Town in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevation of the base flood, entitled "Flood Insurance Study, Town of Seneca, New York, Ontario County."

FLOODPROOFING -- Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - The regulatory floodway.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building, measured from the interior face of exterior walls or interior face of common walls. The "floor area" of a building shall include basement floor area.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the inside faces of exterior walls or from the centerline of walls separating two uses. For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, gross floor area shall not include areas used principally for nonpublic purposes such as storage, rest rooms, fitting or alteration rooms or general maintenance, or enclosed pedestrian malls or corridors.

FRONTAGE -- All the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of 30 feet, an end of a dead-end street, a river, a lake or a Town boundary.

FRONT LOT LINE -- See "Lot Line, Front."

FRONT YARD -- See "Yard, Front."

FRONT YARD LINE -- See "Yard Line, Front."

GARAGE -- A parking deck or any building, or part thereof, used or intended to be used for the parking and storage of vehicles at one or more levels.

GARAGE SALE -- The sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building.

HISTORIC SITE -- A parcel of land, which marks or is associated with some event or person of historical importance.

HOME BUSINESS -- A commercial use or building, other than a home occupation, conducted within or on the same lot as an occupied single family dwelling by the inhabitants thereof. The term "Home Business" shall include a commercial use in conjunction with a permitted use. The type of business permitted shall include permitted uses within the district that include the provision or sale of goods and/or services on the premises.

HOME OCCUPATION, LOW INTENSITY -- Any occupation customarily conducted entirely within a dwelling or a building accessory to the dwelling by the inhabitants thereof, which is secondary to the use of the dwelling for dwelling purposes and does not change the character of the residential unit. A home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants, musical and dancing instruction to groups exceeding four pupils, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles, retail businesses and trades and service establishments.

HOME OCCUPATION, HIGH INTENSITY -- Any occupation or business conducted within a residential dwelling, in a building accessory to the dwelling or on the property of the dwelling which alters the existing character of that dwelling and is clearly subordinate to the primary residential use of that unit.

HOTEL OR MOTEL -- A dwelling containing fifteen (15) or more sleeping rooms in which lodging is provided and offered to the public for compensation. This definition shall not be construed to affect local or state licensing provisions.

JUNK VEHICLES -- An unregistered vehicle or an inoperable vehicle that would not meet State inspection requirements.

JUNKYARD OR SALVAGE YARDS -- Any property or place where the business of a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvage materials -- other than wholly within an enclosed building. In addition, a junk yard shall include property used for the storage of impounded, abandoned, partially dismantled, obsolete or wrecked automobiles -- other than wholly within an enclosed building. The outdoor storage of any of the following is included in this definition:

- Two or more unlicensed junk vehicles;
- Two or more abandoned manufactured homes or recreational vehicles;
- Two or more abandoned all-terrain vehicles or snowmobiles (as defined in the New York State Vehicle and Traffic Law);
- Five or more inoperable appliances including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions;
- Five and more inoperable pieces of equipment;
- Collection and storage of any second-hand or used material which, taken together, equal in bulk volume of 2000 cubic feet or more;
- Any combination of the above that totals five items.

KENNEL -- Any commercial building or lot on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold. This definition shall include temporary housing of such animals for periods over four hours, but shall not include private residents where the occupant owns the animals.

LIGHT INDUSTRIAL -- Firms engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Light industrial uses will generate minimal truck trips, visual emissions, noise, odors or vibrations and have minimal visual impact on an area.

LIVESTOCK, ANIMAL -- Any animal customarily kept by humans for the purpose of providing food, clothing or work, including, but not limited to, equine, bovine, ovine, caprine, porcine and fowl, but excluding bees.

LOT -- A tract of land under single ownership and occupied by, or designated to be developed for, a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Law, to be used with such buildings or use. Every lot shall have access in accordance with the provisions this Law.

LOT AREA -- The total horizontal area included within lot lines.

LOT, CORNER -- A lot abutting two (2) intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. The yards adjacent to both public and private streets shall be considered front yards when determining appropriate setbacks.

LOT COVERAGE – The percentage of a lot area occupied by the ground area of Principal or Accessory Buildings, driveways, swimming pools, decks and other impermeable materials on such lot.

LOT, DEPTH OF – The mean horizontal distance between the front and the rear lot lines.

LOT, FRONTAGE – The unbroken length of the front lot line, which is contiguous to a public street or private road.

LOT LINE, FRONT – The lot line, which is adjacent to the public right of way.

LOT LINE, REAR -- That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the "rear lot line."

LOT LINE, SIDE – Any lot line other than a front or rear lot line.

LOT LINES – The lines bounding a lot.

LOT, MINIMUM AREA OF – The smallest lot on which a particular use or structure may be located in a particular district.

LOT OF RECORD -- A parcel of land that is a lot in a subdivision recorded on the records of the Recorder of Deeds of Ontario County, New York, or that is described by a metes and bounds description which has been so recorded including all restrictions and conditions placed on the lot as part of any approval process.

LOT, WIDTH OF - The horizontal distance between side lot lines measured at the required front yard setback line.

LOWEST FLOOR – The lowest level of a building, including a basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Law.

MANUFACTURING – Activities that include the production of apparel and other garment products, furniture and fixtures, printing – both commercial and industrial – leather products, pottery, glass blowing and the measuring, analyzing and controlling instruments, photographic, medical and optical goods and the like.

MAXIMUM BUILDING COVERAGE - The maximum percentage of a lot to be covered by buildings.

MAXIMUM LOT COVERAGE - The maximum percentage of a lot to be covered by buildings, structures, accessory uses and structures and impervious materials.

MEAN SEA LEVEL -- For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Town's Flood Insurance Rate Map are referenced.

MINIMUM LOT AREA -- See "Lot, Minimum Area Of."

MIXED-USES – A development or redevelopment that allows for more dense development in a single building or on a single lot and includes a mixture of uses including, but not limited to, two or more of the following: residential, commercial and industrial.

MOBILE HOME – See “dwelling, manufactured home”

MANUFACTURED HOME LOT -- A parcel of land within a manufactured home park reserved for placement of a manufactured home, including accessory buildings, for the exclusive use of its occupants.

MANUFACTURED HOME PARK - A parcel of land under single ownership on which two or more manufactured homes are occupied as residences or which is planned and improved for the placement of two or more manufactured homes for nontransient residential use, or for the sale or rental of two or more manufactured home lots.

MOTEL – A building or buildings containing sleeping units for transient guests and providing accessory off-street parking facilities; and which may include restaurant facilities and a dwelling unit for a bona fide caretaker or operator. The term "motel" includes hotels, auto courts, tourist courts, motor lodges and similar terms. Each sleeping unit shall contain not less than 240 square feet of living space.

MOTOR HOME -- A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

MOTOR VEHICLE -- A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, wagons and snowmobiles.

MOTOR VEHICLE SERVICE STATION -- Any building, structure or land used to disperse, sell or offer automotive fuels, oils or accessories, including lubrication, washing, polishing or cleaning and the replacement or installation of minor parts and accessories to passenger automobiles or trucks not exceeding 11/2 tons' rated capacity, but not including any major mechanical repair, rebuilding or reconditioning of engines, motor vehicles or trailers or collision service, body repair, frame straightening, painting, undercoating, vehicle steam cleaning or upholstery.

MULTIFAMILY DWELLING -- See "Dwelling, Multifamily."

NEW CONSTRUCTION -- Structures for which the start of construction commences on or after the effective date of the applicable Sections of this Law.

NONCONFORMING BUILDING OR STRUCTURE - Any building or structure, other than a sign, lawfully existing on the effective date of this Law, or any amendment to it rendering such building or structure nonconforming, which:

- Does not comply with all of the regulations of this Law, or any amendment of this Law, governing parking or space and bulk requirements for the zoning district in which such building or structure is located; or
- Is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located; or
- Any residential structure originally designed and used as a two family dwelling in any district or as a multi-family dwelling and located in an R-2 district or any commercial district.
- Other than in (3) above, above, any building containing more dwelling units in the structure than permitted by the district regulations where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

NONCONFORMING USE -- Any use lawfully being made of any land, building or structure, including an accessory use on the effective date of this Law, or any amendment to it rendering such use nonconforming, which does not comply with all of the regulations of this Law, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

NURSING OR CONVELESCENCE HOME – An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such an establishment. A hospital shall not be construed to be included in this definition.

OFFICE BUILDING -- A building comprised of more than 50% of offices, as compared with home occupations, where offices are considered a secondary or incidental use.

ONE-HUNDRED-YEAR FLOOD -- See "Base Flood."

ONE-HUNDRED-YEAR FLOODPLAIN – The area covered by floodwater as a result of the flood having a one (1) percent chance of being equaled or exceeded in any given year.

OUTDOOR STORAGE – Storage of any materials, merchandise, stock, supplies, machines and the like that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. Outdoor storage shall not include junk and salvage yards, auto wrecking yards or the like.

PARKING LOT – Any land area used or intended to be used for the parking of more than three (3) vehicles.

PARKING SPACE -- A space for the parking of a motor-driven vehicle within a public or private parking area.

PERSONAL CARE FACILITY -- A residential facility, consisting of either a single building or a group of buildings, under common or related ownership, located on a single Lot or on contiguous Lots, without reference to contiguous streets, containing two or more of the following services for elderly or disabled persons who are residents of the facility:

- Adult Family Day Care Home.
- Family Day Care Home.
- Housing For The Elderly.
- Nursing Home.
- Residential Care Facilities.

PERSONAL WIRELESS TELECOMMUNICATIONS ACCESSORY FACILITY – A facility serving and subordinate in area, extent and purpose to, and on the same lot as, a telecommunications tower or antenna location. Such facilities include, but are not limited to, transmission equipment, storage sheds, storage buildings and security fencing.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES (PWTF) -- Facilities for the provision of commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including but not limited to antennas, telecommunications towers and accessory facilities.

PLACE OF WORSHIP – A structure owned and/or used by a religious organization for worship, religious training, or education.

PUBLIC AND SEMI PUBLIC USES – Uses operated by the public or semi-public body such as schools, public libraries, fire and public safety buildings, museums, parks, public meeting halls, governmental buildings and community centers.

RECREATIONAL FACILITIES -- Swimming pools, tennis and/or racquetball courts, bowling alleys, ice rinks, roller skating rinks, golf courses, driving ranges or other active indoor or outdoor sports.

RECREATIONAL VEHICLE – Any vehicle used or arranged to be used for living or as sleeping quarters, mounted on wheels and movable or propelled either by its own power or drawn by another power vehicle. Self-propelled vehicles used primarily for transportation, less than eighteen (18) feet long and with not more than two (2) axles, shall not be considered a “house car”.

REGULATORY FLOODWAY – The regulatory floodway in the Town is delineated on the Flood Boundary and Floodway Map, and the base flood elevations in the floodway are listed in the Flood Insurance Study. The regulatory floodway is the channel of a river or other watercourse and the adjacent land area which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

RESIDENTIAL BUILDING – A building the principal use of which is a residential use.

RESIDENTIAL CARE FACILITY -- A facility designed to provide individual dwelling units for elderly persons who are independently mobile, which provides on-site supervision and assistance available to the residents on an occasion, "as-needed" basis, and where at least one (1) meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly which are not customarily in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

RESTAURANT -- An establishment where food is prepared and available to the general public, for a determined compensation, primarily for consumption within a structure on the premises and where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted.

RESTAURANT, DRIVE-THRU -- An establishment where food, soft drinks, ice cream and similar confections are sold for principal consumption outside the confines of the principal building or in automobiles, regardless of whether or not seats are provided for patrons.

RETAIL SALES AND SERVICE -- The sale, provision of service or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes.

ROADSIDE STAND -- Retail outlets, with all related structures, for the sale of farm products.

SELF-STORAGE WAREHOUSES -- One or more one-story buildings intended for use by the public and operated as a business for short-term self-storage of personal items.

SETBACK -- The horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. All measurements shall be made at right angles to or radially from the lot lines to the portion of the building that projects furthest towards the setback. Setbacks from street lines to building lines are defined as "front setbacks." Setbacks from side lot lines are "side setbacks." Setbacks from rear lot lines are "rear setbacks."

SHOPPING CENTER -- Two or more separate commercial buildings that are located on a single or adjacent lot, or two or more buildings developed as part of a single integrated development with a common architectural design.

SIGN -- A "sign" is a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. "Sign" does not include merchandise, pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, graffiti, or scoreboards located on athletic fields.

SIGN BOARD -- The portion of building originally designed for the placement of a sign and may include only a portion of the building over the door or may extend the length of the building.

SIGN, ADDRESS – A sign displaying the number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.

SIGN, ADVERTISING -- A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, ATTACHED – Any sign attached to a building.

SIGN, BANNER -- Any sign possessing characters, letters, illustrations or ornamentations or designed to attract attention by scenic effect, with or without characters; "banner" shall include streamers, wind-driven whirligigs, or other devices applied to cloth, paper, fabric or similar material, with or without frame and not of permanent construction.

SIGN, DETACHED – Any sign not attached to a building.

SIGN, FACE – The area of the sign where the name, identification, description, display or illustration is located not including the structural support for the sign.

SIGN, POLITICAL -- A sign expressing support for a candidate for public office, or expressing any other position regarding a public figure or a public issue but bearing no commercial message whatsoever.

SIGN, PORTABLE -- Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, TEMPORARY -- Any sign that is used only for a short, specifically limited time and that is not permanently mounted.

SIGN, WINDOW -- Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SINGLE-FAMILY DETACHED DWELLING -- See "dwelling, single-family detached."

SPECIAL FLOOD DEVELOPMENT (WITHIN A SPECIAL FLOOD HAZARD AREA) -- Any construction involving buildings or other structures that results in an increase in ground coverage; installation of underground utility systems; all improvements that significantly increase the amount of surface paved area; all mining and drilling; and all substantial dredging, filling, excavating or grading, or any man-made change to improved or unimproved real estate located within the special flood hazard area.

SPECIAL FLOOD HAZARD AREA – The land located in the one-hundred-year floodplain; commonly referred to as the "base floodplain" or the "one-hundred year floodplain."

STABLE -- A building in which any horses are kept for remuneration, hire or sale.

STORY -- That portion of a building, including a basement, between the surface of any floor and the surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A **HALF STORY** shall include that part of a building between a pitched roof and the uppermost full story, having a ceiling height of seven (7) feet or more for not exceeding one half (1/2) the floor area of such full story. For purposes of side yard determination, a basement shall be counted as a half story.

STREET -- A public or private way, square or lane, having a right-of-way at least 40 feet in width, permanently open to common and general use, which affords the principal means of access to abutting property.

STREET FRONTAGE -- The length along the right-of-way line of any public street.

STRUCTURAL ALTERATION -- Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE -- Anything constructed or erected which requires temporary or permanent support or attachment to the ground, beneath the ground or to something having permanent location on the ground, including gasoline and oil tanks, buildings, manufactured homes, fences and billboards.

SUBDIVISION -- A division of land as defined in the Town of Seneca Subdivision Ordinance.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started or before the damage occurred, if the structure has been damaged and is being restored. This term does not include any project for improvement of a structure to comply with state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of any structure or contributing structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

TWO-FAMILY DWELLING -- See "Dwelling, Two-Family."

WIND ENERGY CONVERSION SYSTEM: A system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for residential, commercial, industrial, utility or governmental use. The height shall be the height of the actual tower plus one-half the rotor diameter on horizontal axis installations and, on vertical axis installations, the distance from the base of the tower to the top of the unit.

YARD - An open space on the same lot with a building or structure.

YARD, FRONT - An open space extending the full width of the lot between a main front building line and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of the main front building line. On corner lots, the front yard shall be both yards that front on the streets.

YARD, REAR - An open space extending the full width of the lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as before specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

YARD, SIDE - An open space extending from the front yard to the rear yard between a main building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of a side yard shall be measured horizontally from the nearest part of the main building. An interior side yard is any side yard not on the street side of a corner lot.

ZONING PERMIT -- An official finding that a planned use of property, as indicated by an Application, complies with the requirements of this Law or meets special conditions of a variance or Special Permit.

Article III. Zoning Districts Established

§ 6.0 Zoning Districts Established

In order to carry out the purposes and provisions of this Law, the Town of Seneca is hereby divided into the following districts:

CATEGORY	DISTRICT
Agricultural Zoning District	AG - Agricultural Zoning District
Residential Districts	R-1 - Low Density Residential
	R-2 - Medium Density Residential
Commercial Districts	C-1 - General Mixed Use District
	C-2 - Community Commercial District
Industrial Districts	M-1 - General Industrial District
Special Districts	PUD - Planned Unit Development

§ 7.0 Zoning Map

A. Map Incorporated

The boundaries of the zoning districts are hereby established on a map entitled “Zoning Map of the Town of Seneca” which map accompanies and is hereby declared to be a part of this Law.

There shall be only one Official Zoning Map that shall be kept in the office of the Town Clerk, and it shall bear the Seal of the Town of Seneca, a certification that it is the Official Zoning Map of the Town of Seneca and its date of adoption. Said Zoning Map shall show the boundaries of the zoning districts herein established and which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Law.

Any changes made in zoning district boundaries or other matters portrayed on the Zoning Map under the provisions set forth herein shall be permanently affixed to the Zoning Map promptly after the amendment has been approved by the Town board and shall convey information as to the date and nature of the change. No amendment to this Law that involves matters portrayed on the Zoning Map shall become effective until such change and entry has been made on said Zoning Map and has been attested by the Town Clerk.

B. Omitted Land

It is the intent of this Law that the entire area of the Town, including all land and water areas, rivers, streets, alleys, railroads, and other rights-of-way, be included in the districts established by this Law. Any area not shown on the Zoning District Map as being included in such a district shall be deemed to be, and it is hereby, classified in the AG - Agricultural Zoning District.

§ 8.0 District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

- A. Where the designation on the Zoning Map indicates a boundary approximately upon a road, the center line of the road shall be construed to be the boundary;
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary;
- C. Distances shown on the Zoning Map are perpendicular distances from road center lines measured to the district boundary, which boundaries in all cases where distances are given are parallel to the road center line;
- D. In other cases, the district boundary shall be determined by the use of the scale of the Zoning Map.
- E. Where a district boundary divides a lot of record at the time such boundary is adopted, the district requirements of the greater portion of the lot will become the requirements of the entire lot.

Article IV. AG - Agricultural Zoning District

§ 9.0 Purpose

The AG Agricultural Zoning District is intended to preserve existing agricultural lands in the Town and protect the rural character of the area that reinforces the special quality of life enjoyed by residents in Seneca. Agriculture provides the visual benefits of open space and is an important part of the Seneca economy. The creation of the Agricultural Zoning District illustrates the Town's commitment to farming as a preferred use in these districts and shall protect existing agricultural areas from suburban and urban development, encourage the continuation of agriculture, reduce land conflicts and preserve open space and natural resources.

§ 10.0 Permitted Uses

The following uses are permitted in the AG District:

- A. Boarding of animals;
- B. Farms and farm related buildings used for the storage of products or equipment located on the same parcel as the principal use;
- C. Forestry, lumbering and reforestation;
- D. Game farms, fish hatcheries and fishing reserves;
- E. Manure lagoon;
- F. Migrant labor housing for up to one family that could include manufactured homes;
- G. Municipal buildings;
- H. Nurseries, lawn/landscape services, orchards, greenhouses, vineyards;
- I. Produce stands, including only movable or temporary structures for the sale of agricultural products grown principally by the operator during the harvest season;
- J. One subdivided lot with one single-family dwelling on a lot a minimum of five (5) acres as outlined in the Town of Seneca Subdivision Ordinance;
- K. Wildlife sanctuaries, woodland preserves, arboretums.

§ 11.0 Limited Uses

The following are limited permitted uses in the AG District:

- A. Two or more single-family detached dwellings on separate lots not exceeding the density outlined in this Section.
- B. Private garages, as associated with the farm dwelling;
- C. Other customary residential structures, including but not limited to private swimming pools, storage buildings, domestic pet shelters and fireplaces as associated with a farm dwelling.

§ 12.0 Accessory Uses

The following are the accessory uses, building and structures permitted in the AG District provided that such accessory uses and buildings shall not be constructed until the main building has been constructed:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XII – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Horses or livestock, for personal use, provided there is compliance with the following standards and conditions outlined in Article XI – Additional Requirements for Specified Uses;
- F. Off-street parking for residents and guests of the principal use;
- G. Not more than one (1) commercial vehicle not associated with a Home Business;
- H. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- I. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- J. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- K. Private family swimming pools are regulated in Article XI – Additional Requirements for Specified Uses;
- L. Satellite television receiving antennas subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- M. Signs subject to the provisions of Article XII Requirements Applying to All Districts;
- N. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- O. Terraces and patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.

§ 13.0 Permitted Uses Subject To Site Plan Review

The following uses are allowed subject to site plan review as outlined in Article XIV - Procedures:

- A. Adult family daycare homes;
- B. Bed & breakfast establishments;
- C. Family and group family daycare homes;
- D. Home occupations, high intensity;
- E. Migrant labor housing for more than one family that could include manufactured homes;
- F. Parks;
- G. Permanent farm stands;
- H. Places of worship;
- I. Private airfields, landing strips or related facilities;
- J. Public and semipublic uses and buildings;
- K. Wineries.

§ 14.0 Special Permitted Uses

The following are special permitted uses subject to the conditions outlined in Article XIV - Procedures:

- A. Animal hospitals or kennels;
- B. Butcher/meat shops;
- C. Camping grounds;
- D. Essential services;
- E. Excavation Operations;
- F. Home Business;
- G. Site Fill that Changes the Existing Elevation;
- H. Stables or riding academies where animals are rented or leased;
- I. Wind Energy Conversion Systems.

§ 15.0 Lot, Area And Yard Requirements

The following lot, area and yard requirements apply to the AG District.

- A. Lot Frontage Requirements
 - (1) All Uses
 - (a) Minimum Lot Frontage – one hundred fifty (150) feet
- B. Lot Area Requirements
 - (1) Farm Uses
 - (a) Minimum Lot Area – ten (10) acres
 - (b) Maximum Building Coverage – ten (10) percent
 - (c) Maximum Lot Coverage – twenty five (25) percent
 - (2) Residential Uses
 - (a) Minimum Lot Area – 45,000 square feet
 - (b) Maximum Building Coverage – ten (10) percent
 - (c) Maximum Lot Coverage – twenty five (25) percent
 - (d) Maximum Density
 - (i) 1 unit if under 50 acres
 - (ii) 1 unit per 50 acres if over 50 acres

C. Yard Requirements

(1) Farm Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – one hundred (100) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – forty (40) feet on each side

(c) Rear Yard

- (i) Minimum Rear Yard Setback – fifteen (15) feet unless adjacent to a residential use when the rear yard setback shall be eighty (80) feet

(2) Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – Principal and Detached Accessory – eighty (80) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – Principal - thirty (30) feet on each side
- (ii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

(c) Rear Yard

- (i) Minimum Rear Yard Setback – Principal - thirty (30) feet
- (ii) Minimum Rear Yard Setback – Detached Accessory – fifteen (15) feet

D. Corner Lots

Both yards abutting streets shall be considered front yards and shall follow the regulations of this Article; all side and rear yards shall follow the regulations of this Article.

§ 16.0 Bulk Requirements

The following requirements apply to buildings constructed in the AG District.

- A. Building Heights
 - (1) All Uses
 - (a) Maximum Building Height -- Residential – thirty five (35) feet
 - (b) Maximum Building Height – Detached Residential Accessory – twenty five (25) feet
 - (c) Maximum Building Height – Other Farm Structures – one hundred (100) feet
- B. Floor Area
 - (1) All Uses
 - (a) Minimum Floor Area – one thousand (1,000) square feet

§ 17.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the AG District shall be regulated as outlined in § 90.0 Personal Wireless Telecommunication Facilities.

§ 18.0 Additional Regulations

See Article XII Requirements Applying to All Districts for additional regulations that apply to the AG District.

Article V. R-1 Low Density Residential District

§ 19.0 Purpose

The R-1 District is designed to provide for the development of areas that are occupied primarily by single-family residences. The purpose of the R-1 District is to promote orderly development of the Town and encourage well-designed living environments which protect and stabilize the residential characteristics of the Town. The areas designated R-1 District will result in areas that provide opportunities for larger yards and houses and serve as transitional areas between agricultural areas and more dense areas of development. The following regulations shall apply in all R-1 Districts in the Town of Seneca.

§ 20.0 Permitted Uses

The following uses are permitted in the R-1 District:

- A. Single-family detached dwellings;
- B. Family and group family day care homes;
- C. Adult family day care homes.

§ 21.0 Accessory Uses

The following are permitted accessory uses in the R-1 District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XII – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Horses or livestock, for personal use, provided there is compliance with the following standards and conditions outlined in Article XI – Additional Requirements for Specified Uses;
- F. Off-street parking for residents and guests of the principal use;
- G. Not more than one (1) commercial vehicle;
- H. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- I. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- J. Private family swimming pools are regulated in Article XI – Additional Requirements for Specified Uses;
- K. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- L. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- M. Satellite television receiving antennas subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- N. Signs subject to the provisions of Article XII – Requirements Applying to All Districts;
- O. Terraces and Patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.

§ 22.0 Permitted Uses Subject to Site Plan Review

The following uses are allowed subject to site plan review as outlined in Article XIV Procedures:

- A. Bed and breakfast establishments;
- B. Home occupations – high intensity;
- C. Nursery schools, day care centers, funeral homes;
- D. Parks;
- E. Places of worship;
- F. Residential Care Facilities;

§ 23.0 Special Permit Uses

The following uses are allowed as Special Permit Uses in the R-1 District:

- A. Essential services;
- B. Manufactured home Parks;
- C. Site Fill that Changes the Existing Elevation.

§ 24.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the R-1 District.

- A. Lot Frontage Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Frontage – one hundred fifty (150) feet
 - (2) Non- Residential Uses
 - (a) Minimum Lot Frontage – one hundred fifty (150) feet
- B. Lot Area Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Area – twenty five thousand (25,000) square feet
 - (b) Maximum Building Coverage – twenty (20) percent
 - (c) Maximum Lot Coverage – thirty (30) percent
 - (2) Non-Residential Uses
 - (a) Minimum Lot Area – twenty five thousand (25,000) square feet
 - (b) Maximum Building Coverage – twenty (20) percent
 - (c) Maximum Lot Coverage – thirty (30) percent

C. Yard Requirements

(1) Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – fifty (50) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – Principal - thirty (30) feet on each side
- (ii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

(c) Rear Yard

- (i) Minimum Rear Yard Setback – Principal - thirty (30) feet
- (ii) Minimum Rear Yard Setback – Detached Accessory – fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – Principal - fifty (50) feet
- (ii) Minimum Side Yard Setback – Detached Accessory – twenty (20) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – Principal - thirty (30) feet
- (ii) Minimum Rear Yard Setback – Detached Accessory – twenty (20) feet

(c) Rear Yard

- (i) Minimum Rear Yard Setback - thirty (30) feet

D. Corner Lots

Both yards abutting streets shall be considered front yards and shall follow the regulations of this Article; all side and rear yards shall follow the regulations of this Article.

§ 25.0 Bulk Requirements

The following requirements apply to buildings constructed in the R-1 District.

- A. Building Heights
 - (1) Residential Uses
 - (a) Maximum Building Height – thirty five (35) feet
 - (b) Maximum Building Height – Detached Accessory – twenty (20) feet

§ 26.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the R-1 District shall be regulated as outlined in § 90.0 Personal Wireless Telecommunication Facilities.

§ 27.0 Additional Regulations

See Article XII – Requirements Applying to All Districts for additional regulations that apply to the R-1 District.

Article VI. R-2 Medium Density Residential District

§ 28.0 Purpose

The purpose of the R-2 District is to provide for the development of neighborhoods that include a mixture of single, two and multi family housing and complementary services, encouraging higher densities of new development. Lot sizes are generally smaller than the R-1 zone to accommodate the smaller housing types that are allowed in the R-2 district. R-2 districts are areas currently served by public water or are in locations that could support these services. Limited types of commercial uses are allowed in the zone to ensure the residential character is protected and enhanced. The following regulations shall apply in all R-2 districts:

§ 29.0 Permitted Uses

The following uses are permitted in the R-2 District:

- A. Single-family detached dwellings;
- B. Single-family attached dwelling;
- C. Two-family dwellings;
- D. Multi-family dwellings;
- E. Accessory apartment;
- F. Adult family day care homes;
- G. Family and group family day care homes.

§ 30.0 Accessory Uses

The following uses are allowed as Accessory Uses in the R-2 District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XII – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Horses or livestock, for personal use, provided there is compliance with the following standards and conditions outlined in Article XI – Additional Requirements for Specified Uses;
- F. Off-street parking for residents and guests of the principal use;
- G. Not more than one (1) commercial vehicle;
- H. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- I. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- J. Private family swimming pools are regulated in Article XI – Additional Requirements for Specified Uses;
- K. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- L. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- M. Satellite television receiving antennas subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- N. Signs subject to the provisions of Article XII – Requirements Applying to All Districts;
- O. Terraces and patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.

§ 31.0 Permitted Uses Subject to Site Plan Review

The following uses are allowed subject to site plan review as outlined in Article XIV Procedures:

- A. Bed and breakfast establishments;
- B. Day care centers;
- C. Home occupations – high intensity;
- D. Nursing or convalescent homes;
- E. Parks;
- F. Places of worship;
- G. Public and semi public facilities;
- H. Residential care facilities;

§ 32.0 Special Permitted Uses

The following uses are allowed as Special Permit Uses in the R-2 District:

- A. Essential services;
- B. Manufactured home Parks;
- C. Site Fill that Changes the Existing Elevation.

§ 33.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the R-2 District.

- A. Lot Frontage Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Frontage – Single Family Residential – one hundred (100) feet
 - (b) Minimum Lot Frontage – Two Family Residential – one hundred twenty five (125) feet
 - (c) Minimum Lot Frontage – Multi-Family – one hundred fifty (150) feet
 - (2) Non Residential Uses
 - (a) Minimum Lot Frontage – one hundred (100) feet

B. Lot Area Requirements

(1) Residential Uses

(a) Single-Family Detached and Attached

- (i) Minimum Lot Area – Detached and Attached – twenty thousand (20,000) square feet
- (ii) Maximum Building Coverage – thirty-five (35) percent
- (iii) Maximum Lot Coverage – fifty (50) percent

(b) Two-Family

- (i) Minimum Lot Area – twenty two thousand (22,000) square feet
- (ii) Maximum Building Coverage - thirty-five (35) percent
- (iii) Maximum Lot Coverage - fifty (50) percent

(c) Multi-Family

- (i) Minimum Lot Area – thirty thousand (30,000) square feet
- (ii) Maximum Building Coverage - thirty-five (35) percent
- (iii) Maximum Lot Coverage - fifty (50) percent

(2) Non-Residential Uses

- (a) Minimum Lot Area – thirty thousand (30,000) square feet
- (b) Maximum Building Coverage - thirty-five (35) percent
- (c) Maximum Lot Coverage - fifty (50) percent

C. Yard Requirements

(1) Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – Single and Two-family - forty (40) feet
- (ii) Minimum Front Yard Setback – Multi-family - fifty (50) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – Single and Two-family - fifteen (15) feet
- (ii) Minimum Side Yard Setback – Multi-family - twenty (20) feet
- (iii) Minimum Side Yard Setback – Detached Accessory - fifteen (15) feet

(c) Rear Yard

- (i) Minimum Rear Yard Setback – Single and Two-family - thirty (30) feet
- (ii) Minimum Rear Yard Setback – Multi-Family - thirty (30) feet
- (iii) Minimum Rear Yard Setback – Detached Accessory - fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback - (40) feet

(b) Side Yards

- (i) Minimum Side Yard Setback - twenty (20) feet each side

(c) Rear Yard

- (i) Minimum Rear Yard Setback – thirty (30) feet

D. Corner Lots

Both yards abutting streets shall be considered front yards and shall follow the regulations of this Article; all side and rear yards shall follow the regulations of this Article.

§ 34.0 Bulk Requirements

The following requirements apply to buildings constructed in the R-2 District.

- A. Building Heights
 - (1) Residential Uses
 - (a) Maximum Building Height – Single Family – thirty five (35) feet
 - (b) Maximum Building Height – Two Family – thirty five (35) feet
 - (c) Maximum Building Height – Multi-Family – thirty five (35) feet
 - (d) Maximum Building Height – Detached Accessory – fifteen (15) feet
 - (2) Non-Residential Uses
 - (a) Maximum Building Height – thirty five (35) feet
- B. Building Floor Area
 - (1) Residential Uses
 - (a) Minimum Floor Area – One Story Dwelling – eight hundred and fifty (850) square feet
 - (b) Minimum Floor Area – Two Story Dwelling – twelve hundred (1,200) square feet
 - (c) Maximum Floor Area – Detached Accessory – twelve hundred (1,200) square feet
 - (2) Non-Residential Uses
 - (a) Minimum Floor Area – twelve hundred (1,200) square feet

§ 35.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the R-2 District shall be regulated as outlined in § 90.0 Personal Wireless Telecommunication Facilities.

§ 36.0 Additional Regulations

See Article XII – Requirements Applying to All Districts for additional regulations that apply to the R-2 District.

Article VII. C-1 General Mixed Use District

§ 37.0 Purpose

The intent of the C-1 General Mixed Use District is to provide locations to accommodate general retail, service, finance, insurance and real estate and related structures and uses. General Mixed Use Districts are often adjacent to Residential Districts to ensure the population of the Town is adequately serviced. The impacts of these districts on surrounding residential areas are reduced by permitting residential occupancy and allowing the conversion or partial use of residential structures to business and professional uses. Under usual circumstances, these districts will only be established in areas served by public water.

§ 38.0 Permitted Uses and Structures

The following uses are permitted in the C-1 District:

- A. Single-family detached dwellings;
- B. Single-family attached dwelling;
- C. Two-family dwellings;
- D. Multi-family dwellings;
- E. Accessory apartment on second floor of existing commercial structures;
- F. Adult family day care homes;
- G. Family and group family day care homes;
- H. Retail and service, when similar in nature and intensity, in existing commercial buildings.

§ 39.0 Accessory Uses

The following are the accessory uses, buildings and structures permitted in the C-1 General Mixed Use District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XII – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Home occupations, high intensity;
- F. Off-street parking for residents and guests of the principal use;
- G. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- H. Private family swimming pools are regulated in Article XI – Additional Requirements for Specified Uses;
- I. Not more than one (1) commercial vehicle;
- J. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- K. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- L. Signs subject to the provisions of Article XII – Requirements Applying to All Districts;
- M. Satellite television receiving antennas subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- N. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- O. Terraces and patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.

§ 40.0 Permitted Uses Subject to Site Plan Review

The following uses are permitted subject to site plan review as outlined in Article XIV - Procedures:

- A. Banks;
- B. Bed and breakfast establishments;
- C. Building supply centers under 3,000 square feet;
- D. Dance, art, music or photo studios;
- E. Day care centers and nursery schools;
- F. Health club and fitness facilities under 3,000 square feet;
- G. Nursing or convalescent homes;
- H. Parks;
- I. Places of worship;
- J. Professional offices under 3,000 square feet;
- K. Public and semi public facilities;
- L. Restaurants and bakeries, excluding drive-thrus;
- M. Retail sales and services under 3,000 square feet in new buildings;
- N. Other businesses, which, in the opinion of the Planning Board, are similar in nature and scale to those permitted above.

§ 41.0 Special Permit Uses

The following uses are allowed as Special Permit Uses in the C-1 General Mixed Use District:

- A. Amusement enterprises not conducted within a completely enclosed building including a carnival or circus.
- B. Essential services;
- C. Garden supply and nurseries;
- D. Health club and fitness facilities over 3,000 square feet;
- E. Hotels or motels;
- F. Manufactured home Parks;
- G. Retail sales and services over 3,000 square feet;
- H. Self storage warehouse under 4,000 square feet;
- I. Site Fill that Changes the Existing Elevation.

§ 42.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the C-1 District.

A. Lot Frontage Requirements

(1) Residential Uses

- (a) Minimum Lot Frontage – Single Family Residential – one hundred (100) feet
- (b) Minimum Lot Frontage – Two Family Residential – one hundred twenty five (125) feet
- (c) Minimum Lot Frontage – Multi-Family – one hundred fifty (150) feet

(2) Non Residential Uses

- (a) Minimum Lot Frontage – one hundred (100) feet

B. Lot Area Requirements

(1) Residential Uses

(a) Single-Family Detached and Attached

- (i) Minimum Lot Area – Detached and Attached – twenty thousand (20,000) square feet
- (ii) Maximum Building Coverage – thirty-five (35) percent
- (iii) Maximum Lot Coverage – fifty (50) percent

(b) Two-Family

- (i) Minimum Lot Area – twenty two thousand (22,000) square feet
- (ii) Maximum Building Coverage – thirty-five (35) percent
- (iii) Maximum Lot Coverage – fifty (50) percent

(c) Multi-Family

- (i) Minimum Lot Area – thirty thousand (30,000) square feet
- (ii) Maximum Building Coverage – thirty-five (35) percent
- (iii) Maximum Lot Coverage – fifty (50) percent

(2) Non-Residential Uses

- (a) Minimum Lot Area – thirty thousand (30,000) square feet
- (b) Maximum Building Coverage – fifty (50) percent
- (c) Maximum Lot Coverage – seventy-five (75) percent

C. Yard Requirements

(1) Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – Single and Two-family - forty (40) feet
- (ii) Minimum Front Yard Setback – Multi-family - fifty (50) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – Single and Two-family - fifteen (15) feet each side
- (ii) Minimum Side Yard Setback – Multi-family - twenty (20) feet each side
- (iii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

(c) Rear Yard

- (i) Minimum Rear Yard Setback – Single and Two-family - thirty (30) feet
- (ii) Minimum Rear Yard Setback – Multi-Family - thirty (30) feet
- (iii) Minimum Rear Yard Setback – Detached Accessory - fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback - forty (40) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – fifteen (15) feet each side unless adjacent to a Residential District in which case the side yard shall be the same as the required side yard setback in the Residential District

(c) Rear Yard

- (i) Minimum Rear Yard Setback –fifteen (15) unless adjacent to a Residential District in which case the rear yard shall be the same as the required rear yard setback in the Residential District

D. Corner Lots

Corner lot front setbacks shall reflect the front setbacks of the other corner buildings at that intersection, but in no case shall be less than the average front yard depth of building(s) in the commercial district where the property is located.

§ 43.0 Bulk Requirements

The following requirements apply to buildings constructed in the C-1 District.

- A. Building Heights
 - (1) Residential Uses
 - (a) Maximum Building Height – Single Family – thirty five (35) feet
 - (b) Maximum Building Height – Two Family – thirty five (35) feet
 - (c) Maximum Building Height – Multi-family – thirty five (35) feet
 - (d) Maximum Building Height – Detached Accessory– fifteen (15) feet
 - (2) Non-Residential Uses
 - (a) Maximum Building Height– forty (40) feet
- B. Floor Area
 - (1) Residential Uses
 - (a) Minimum Floor Area – One Story Dwelling – eight hundred and fifty (850) square feet
 - (b) Minimum Floor Area – Two Story Dwelling – twelve hundred (1,200) square feet
 - (c) Maximum Floor Area – Detached Accessory – twelve hundred (1,200) square feet
 - (2) Non-Residential Uses
 - (a) Minimum Floor Area –twelve hundred (1,200) square feet

§ 44.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the C-1 District shall be regulated as outlined in § 90.0 Personal Wireless Telecommunication Facilities.

§ 45.0 Additional Regulations

See Article XII – Requirements Applying to All Districts for additional regulations that apply to the C-1 District.

Article VIII. C-2 Community Commercial District

§ 46.0 Purpose

The C-2 Community Commercial District provides diverse commercial development along transportation corridors and neighborhoods. The District includes a mixture of uses such that serve the adjacent neighborhood and the community as a whole. The C-2 District is preserved through appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between the buildings, sites and streets and still establish an ambience that reflects the rural character of the Town of Seneca

§ 47.0 Permitted Uses and Structures

The following uses are permitted in the C-2 District:

- A. Multi-family dwellings.
- B. Accessory apartment on second floor of existing commercial structures;
- C. Adult family day care homes.
- D. Family and group family day care homes.
- E. Retail and service in existing buildings.

§ 48.0 Accessory Uses

The following are the accessory uses, buildings and structures permitted in the C-2 Community Commercial District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XII – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Home occupations, high intensity;
- F. Off-street parking for residents and guests of the principal use;
- G. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- H. Private family swimming pools are regulated in Article XI – Additional Requirements for Specified Uses;
- I. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- J. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- K. Signs subject to the provisions of Article XII – Requirements Applying to All Districts;
- L. Satellite television receiving antennas subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- M. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- N. Terraces and patios;
- O. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.

§ 49.0 Permitted Uses subject to site plan review

The following uses are permitted subject to site plan review as outlined in Article XIV - Procedures:

- A. Banks;
- B. Bed and breakfast establishments;
- C. Building supply centers;
- D. Dance, art, music or photo studios;
- E. Day care centers and nursery schools;
- F. Health club and fitness facilities under 3,000 square feet;
- G. Nursing or convalescent homes;
- H. Parks;
- I. Places of worship;
- J. Planned business centers;
- K. Planned business centers;
- L. Professional offices;
- M. Public and semi public facilities;
- N. Restaurants and bakeries;
- O. Retail sales and services under 3,000 square feet in new buildings;
- P. Other businesses, which, in the opinion of the Planning Board, are similar in nature and scale to those permitted above.

§ 50.0 Special Permit Uses

The following uses are allowed as Special Permit Uses in the C-2 District:

- A. Amusement enterprises not conducted within a completely enclosed building including a carnival or circus;
- B. Automatic and manual car washes;
- C. Automotive related uses, subject to the Article XI - Additional Requirements for Specified Uses, including:
 - (1) Vehicle Repair.
 - (2) Vehicle Sales Areas.
 - (3) Vehicle Service Station.
 - (4) Vehicle Storage.
 - (5) Vehicle Wrecking.
- D. Drive-thru restaurants, bakeries and banks;
- E. Essential services;
- F. Garden supply and nurseries;
- G. Health club and fitness facilities;
- H. Hotels or motels;
- I. Manufactured home Parks;
- J. Retail sales and services;
- K. Self storage warehouse;
- L. Site Fill that Changes the Existing Elevation.

§ 51.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the C-2 District.

- A. Lot Frontage Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Frontage – Multi-Family – one hundred fifty (150) feet
 - (2) Non Residential Uses
 - (a) Minimum Lot Frontage – one hundred (100) feet
- B. Lot Area Requirements
 - (1) Residential Uses
 - (a) Multi-Family
 - (i) Minimum Lot Area – thirty thousand (30,000) square feet
 - (ii) Maximum Building Coverage - thirty-five (35) percent
 - (iii) Maximum Lot Coverage - fifty (50) percent
 - (2) Non-Residential Uses
 - (a) Minimum Lot Area – thirty thousand (30,000) square feet
 - (b) Maximum Building Coverage - fifty (50) percent
 - (c) Maximum Lot Coverage – seventy-five (75) percent

C. Yard Requirements

(1) Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – Multi-family - twenty (20) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – Multi-family - twenty (20) feet each side
- (ii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

(c) Rear Yard

- (i) Minimum Rear Yard Setback – Multi-Family - thirty (30) feet
- (ii) Minimum Rear Yard Setback – Detached Accessory - fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback - Average front yard depth of building(s) within one hundred (100) feet, but in no case more than one (1) foot larger than either of the front yard depths of buildings on the two adjacent lots. In cases where no buildings are within one hundred (100) feet, the minimum front yard setback shall be twenty (20) feet.

(b) Side Yards

- (i) Minimum Side Yard Setback – fifteen (15) feet each side unless adjacent to a Residential District in which case the side yard shall be the same as the required side yard setback in the Residential District

(c) Rear Yard

- (i) Minimum Rear Yard Setback –fifteen (15) unless adjacent to a Residential District in which case the rear yard shall be the same as the required rear yard setback in the Residential District t

D. Corner Lots

Corner lot front setbacks shall reflect the front setbacks of the other corner buildings at that intersection, but in no case shall be less than the average front yard depth of building(s) in the commercial district where the property is located.

§ 52.0 Bulk Requirements

The following requirements apply to buildings constructed in the C-2 District.

- A. Building Heights
 - (1) Residential Uses
 - (a) Maximum Building Height – Multi-family – thirty five (35) feet
 - (b) Maximum Building Height – Detached Accessory – fifteen (15) feet
 - (2) Non-Residential Uses
 - (a) Maximum Building Height – forty (40) feet
- B. Floor Area
 - (1) Residential Uses
 - (a) Minimum Floor Area – One Story Dwelling – eight hundred and fifty (850) square feet
 - (b) Minimum Floor Area – Two Story Dwelling – twelve hundred (1,200) square feet
 - (c) Maximum Floor Area – Detached Accessory – twelve hundred (1,200) square feet
 - (2) Non-Residential Uses
 - (a) Minimum Floor Area – twelve hundred (1,200) square feet

§ 53.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the C-2 District shall be regulated as outlined in § 90.0 Personal Wireless Telecommunication Facilities.

§ 54.0 Additional Regulations

See Article XII – Requirements Applying to All Districts for additional regulations that apply to the C-2 District.

Article IX. M-1 General Industrial District

§ 55.0 Purpose

The purpose of the M-1 General Industrial District is to provide for the establishment of industrial uses and associated administrative offices essential to the development of a balanced economic base and the creation of local job opportunities in an industrial environment. The M-1 General Industrial District is established to regulate such development so that it will not be detrimental or hazardous to the surrounding community and to the general health, safety and well-being of the Town of Seneca. The District is established to encourage the development of non-noxious, non-polluting industry. The following outlines regulations that apply to the M-1 District:

§ 56.0 Permitted Uses and Structures

All uses allowed in the M-1 District are subject to site plan review as specified in this Article.

§ 57.0 Accessory Uses

The following are the accessory uses, buildings and structures permitted in the M-1 District:

- A. Detention and retention ponds;
- B. Fences, walls and hedges subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- C. Satellite television receiving antennas subject to the provisions of Article XI – Additional Requirements for Specified Uses;
- D. Signs subject to the provisions of Article XII – Requirements Applying to All Districts;
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed within fourteen (14) days upon completion or abandonment of the construction work;
- F. Utility buildings and facilities incidental to permitted uses and uses requiring site plan review or special permits;
- G. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.

§ 58.0 Permitted Uses Subject To Site Plan Review

The following uses are permitted subject to site plan review as outlined in Article XIV - Procedures:

- A. Automatic and manual car washes;
- B. Automotive related uses, subject to the Article XI - Additional Requirements for Specified Uses, including:
 - (1) Vehicle Repair.
 - (2) Vehicle Sales Areas.
 - (3) Vehicle Service Station.
 - (4) Vehicle Storage.
 - (5) Vehicle Wrecking.
- C. Corporate headquarters, regional headquarters and administrative offices. Local service offices such as real estate sales, insurance agencies, doctor's offices, or other offices typically found in commercial districts may only be included in a structure or integrated complex of at least twenty-five-thousand (25,000) square feet of gross floor area.
- D. Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.
- E. Mixed-use facilities developed according to an approved site plan. In the M-1 District, warehousing and commercial uses are considered limited uses as outlined in this Article. Structures in the complex must have a gross square footage of at least twenty-five-thousand (25,000) square feet at initial development.
- F. Motels and hotels.
- G. Recycling centers.
- H. Research laboratories including testing facilities.
- I. Sexually oriented businesses, subject to the Additional Requirements for Specified Uses in §94.0, including only adult arcade, adult cabaret, adult movie theater, limited adult retail store, adult retail store and escort agency.
- J. Site Fill that Changes the Existing Elevation;
- K. Technical and vocational schools.
- L. Warehouses.
- M. Wind Energy Conversion Systems.

§ 59.0 Limited Uses and Structures

The following uses are permitted as limited uses in the M-1 District:

- A. Retail and services provided such limited use constitutes no more than ten (10) percent of the developed floor area of the project and such limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of employees and businesses in and near the Industrial District.
- B. When developed in conjunction with approved industrial uses, the following limited uses are allowed:
 - (1) Restaurants;
 - (2) Convenience stores;
 - (3) Retail banks, savings and loans and credit unions.
- C. Warehouse and storage uses developed concurrently with or after a primary use provided the floor area of such use constitutes no more than thirty-five (35) percent of the gross floor area of the primary use.
- D. Park, playfield and playgrounds when developed as part of an overall project.

§ 60.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to M-1 District.

- A. Lot Frontage Requirements
 - (1) Minimum Lot Frontage – one hundred (100) feet
- B. Lot Area Requirements
 - (1) Minimum Lot Area – fifteen thousand (15,000) square feet
 - (2) Maximum Building Coverage – fifty (50) percent
 - (3) Maximum Lot Coverage – seventy-five (75) percent

C. Yard Requirements

- (a) Minimum Front Yard Setback – forty (40) feet
- (b) Side Yard
 - (i) Minimum Side Yard Setback – fifteen (15) feet unless adjacent to a Residential District in which case the side yard shall be the same as the required side yard setback in the Residential District
 - (ii) Minimum Side Yard Setback – Detached Accessory– fifteen (15) feet
- (c) Rear Yard
 - (i) Minimum Rear Yard Setback - Principal Use or Structure – fifteen (15) feet unless adjacent to a Residential District in which case the rear yard shall be the same as the required rear yard setback in the Residential District
 - (ii) Minimum Rear Yard Setback – Detached Accessory– fifteen (15) feet

§ 61.0 Bulk Requirements

The following requirements apply to buildings constructed in the M-1 District.

A. Building Heights

- (1) Maximum Building Height – thirty five (35) feet

§ 62.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the M-1 District shall be regulated as outlined in § 90.0 Personal Wireless Telecommunication Facilities.

§ 63.0 Additional Regulations

See Article XII– Requirements Applying to All Districts for additional regulations that apply to the M-1 District.

Article X. PUD Planned Unit Development

§ 64.0 Purpose

The PUD - Planned Unit Development Districts recognize a defined area for unified and integrated development and to create more flexible development opportunities than would be possible through the strict application of other land use and development regulations of this Law. Planned Unit Development Districts allow diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces and are conceived as cohesive unified projects with unique standards and regulations. The Planned Unit Development District shall achieve the following objectives:

- A. An alternative development pattern in harmony with the objectives of various Town and regional land use and development plans.
- B. A creative use of land and related physical development allowing an orderly transition from one land use to another.
- C. Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and height of structures in developments conceived as cohesive unified projects.
- D. Unique standards for site and building design.
- E. The preservation and enhancement of desirable site characteristics, such as open space, natural topography, vegetation and geologic features and the prevention of soil erosion.

The procedure for approval of a Planned Unit Development District is outlined in § 123.

§ 65.0 Location

The Planned Unit Development District shall be applicable to any area of the Town of Seneca, except the AG District, where the applicant can demonstrate that the characteristics of the development will satisfy the intent and objectives of this Law. Where a Planned Unit Development is deemed appropriate, the rezoning of land to a Planned Unit Development District will replace all uses and dimensional specifications contained elsewhere in this Law.

§ 66.0 District Ownership and Size

All owners of the tract shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts

No PUD District shall be established having an area of less than ten (10) contiguous acres.

§ 67.0 Requirements and Standards

- A. The requirements and standards for a Planned Development District shall be determined for each individual project. At a minimum, the Planned Development District shall include:
- (1) Purpose Statement;
 - (2) Uses;
 - (3) Lot, Area and Yard Dimensions;
 - (4) Densities and Floor Area Ratios;
 - (5) Building Characteristics;
 - (6) Open Space;
 - (7) Parking; and
 - (8) Additional requirements and data to implement the planned development as required by the Zoning/Code Enforcement Officer.
- B. Whenever the Comprehensive Plan indicates that development of a Planned Unit Development District will create a need for land for public parks, playgrounds or other recreational purposes within the proposed Planned Unit Development District, the Town Board or Planning Board may require that up to five (5) percent of the total Planned Unit Development District area be designated and reserved to the Town for such use. In any such case, if the Town Board or Planning Board determines that location of such use within the Planned Development District area is not suitable or practical, it may, in lieu of the aforesaid designation and reservation of land within the Planned Unit Development District area, require up to five (5) percent of the current fair market value of the land within such area to be paid to the Town in the form of cash as a trust fund to be used by the Town exclusively for neighborhood parks, playgrounds or other recreational purposes, including the acquisition of land, available for use by residents of the Planned Development District.

§ 68.0 Incremental Development in Approved PUD Districts

Incremental development within a PUD District shall be defined as development occurring wholly within the boundaries of such development which, while not shown on an approved current plan, complies with all of the use requirements, space, bulk and yard requirements, parking and loading requirements.

Except as hereinafter provided with respect to certain support uses, incremental development in any PUD District may be undertaken without amendment of the current plan, subject only to Site Plan approval in accordance with §124 of this Law, as hereinafter modified, and issuance of permits and approvals customarily required for the development or establishment of any permitted use.

In addition to required submission materials for Site Plan approval, applications for incremental development in a PUD District shall include:

- A. An analysis of the traffic impact, to be submitted to the Zoning/Code Enforcement Officer, for the proposed development to include:
 - (1) Projections of required parking;
 - (2) Site-generated and off-site traffic to be expected on streets in the vicinity upon completion of the proposed development
 - (3) Recommendations for techniques or improvements to deal with any projected traffic congestion or friction;
- B. Upon completion of any incremental development, a revised current plan including the development shall be filed and recorded with the Town Clerk.

§ 69.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the PUD District shall be regulated as outlined in §90.0 Personal Wireless Telecommunication Facilities.

§ 70.0 Additional Regulations

Any applicable Requirements Applying to All Districts (Article XII) in this Law shall apply to all uses in the PUD District. Additionally, Article XIV outlines the procedure and approval process for PUD Districts.

Article XI. Additional Requirements for Specified Uses

§ 71.0 Purpose

The Additional Requirements for Specified Uses place restrictions on specific uses, both permitted and Special Permitted, because of the potential impacts on surrounding properties. These restrictions are applied to a project to mitigate impacts including noise, off-site parking, traffic and unsightliness, odors, dust and fumes. The regulations promote the public health and general safety and neighborhood character of the immediate neighborhood and the entire Town of Seneca community.

§ 72.0 Accessory Uses

Accessory uses shall be subject to the following requirements:

- A. All detached accessory structures shall be set back behind the front line of the Principal structure.

§ 73.0 Animal Hospitals

Animal hospitals shall be subject to the following requirements:

- A. All animal hospitals shall comply with the appropriate health regulations prior to the issuance of any permit.
- B. All animal hospitals having outside runs or pastures shall be no closer than one hundred (100) feet from any residential lot boundary.

§ 74.0 Bed And Breakfast

Bed and breakfast shall be subject to the following requirements:

- A. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the residential premises.
- B. Only rooms designed as bedrooms shall be used for guest lodging.
- C. Guest parking shall include one (1) off-street parking space for each bedroom and shall be buffered from adjacent residential lots by planting or screening as per zoning regulation.
- D. The building proposed for occupancy as a bed-and-breakfast shall comply with the New York State Uniform Fire Prevention and Building Code, as well as any subsequent updates.
- E. No sign, other than one externally lit sign not more than four (4) square feet in area, shall be permitted.

§ 75.0 Butcher/Meat Shops

Butcher/meat shops shall be subject to the following requirements:

- A. All butcher/meat shops shall comply with the appropriate NYS Department of Health and Department of Agriculture regulations prior to the issuance of any permit.
- B. All operations shall be performed within an enclosed principal building on the premises.
- C. A butcher/meat shops shall be no closer than two hundred (200) feet from any residential lot boundary.
- D. Sufficient screening shall be provided along all public right-of-ways and lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations and stored material and equipment from all points when viewed from ground level.
- E. All permanent storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.

§ 76.0 Camping Grounds

Camping grounds shall be subject to the following requirements:

- A. No site preparation or construction shall commence nor shall existing structures be occupied until final Site Plan Approval has been granted and permits have been issued by all governmental agencies involved.
- B. It shall be determined that the site area proposed for use as a camping ground does not contain any prime agricultural soils as defined by the Town of Seneca.
- C. No permanent external appurtenances such as carports, cabanas or patios may be attached to any travel trailer or other vehicular accommodation parked in a camping ground, and the removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.
- D. The minimum site area for a camping ground is ten (10) acres.
- E. No more than a total of ten (10) travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.
- F. A camping ground shall be so located that no entrance or exit from a site shall discharge traffic into any Residential District nor require movement of traffic from the camping ground through a Residential District.
- G. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or safety and health of the occupants.
- H. Uses and structures customarily incidental to the operation of camping grounds, such as headquarters, toilets, dumping stations and showers are permitted as accessory uses to the camping grounds.

- I. Convenience establishments shall be permitted as accessory uses in camping grounds in such districts where they are not allowed as principal uses, subject to the following restrictions:
 - (1) Such establishments and the parking area primarily related to their operations shall not occupy more than 5% of the gross area of the camping ground.
 - (2) Such establishments shall be restricted in their use to occupants of the camping ground.
 - (3) Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character, which would attract customers other than occupants of the camping ground.
- J. Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Departments of Health and/or Environmental Conservation, and shall receive approval from said agencies.
- K. Streets in camping grounds shall be private, but shall be constructed with a stabilized travelway and shall meet the following minimum stabilized travelway width requirements:
 - (1) One-way, no parking: 12 feet.
 - (2) One-way with parking on one side, or two-way with no parking: 18 feet.
 - (3) Two-way with parking on one side: 27 feet.
 - (4) Two-way with parking on both sides: 34 feet.
- L. Each trailer site shall be at least 2,500 square feet in area and have a minimum width of 40 feet.
- M. A minimum of 10% of the gross site area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel trailer site, required buffer strip, street right-of-way, storage area or utility site shall be counted as meeting recreational purposes.
- N. Entrances and exits to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping ground and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached.
- O. In connection with the use of any camping ground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk or required buffer or right-of-way, or any public grounds or on any private grounds not part of the camping ground, unless the owner has given written permission for such use. Each camping ground shall provide off-street parking, loading and maneuvering space, located and scaled so that the prohibitions above may be observed, and camping ground owners shall be responsible for violations of these requirements.
- P. An adequate lighting system shall be provided for the camping ground.
- Q. All utilities shall be underground.

- R. Garbage and rubbish shall be collected and disposed of as often as may be necessary to ensure sanitary conditions.
- S. All applicable sanitation standards of the State of New York shall be met.
- T. No camp structure, except fences, gates and permitted signs shall be located within three hundred (300) feet of any street or property line.

§ 77.0 Car Washes

Car washes shall be subject to the following requirements:

- A. All washing and machine-dry operations shall be conducted within a building.
- B. The building exit for automobiles that have completed the washing and machine-drying process shall be set back a minimum of fifty (50) feet from the nearest point of any street property line.
- C. No washing, vacuuming, steam cleaning, waxing, polishing or machine-drying operation, and no building within which such operations are conducted, shall be permitted within one hundred (100) feet of a Residential District.
- D. All lot lines abutting or adjacent to Residential Districts or uses shall be screened by a solid masonry wall or fence not less than four (4) feet nor more than six (6) feet in height.
- E. Perimeter landscaped open space shall be provided in the front yard.
- F. All entrance and exit lanes and parking areas shall be surfaced with an asphalt or portland cement binder pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation.
- G. Queuing lane(s) for each bay shall be provided subject to the Requirements Applying to All Districts in Article XII.

§ 78.0 Day Care Centers

Day care centers shall be subject to the following requirements:

- A. Every application for a day-care center shall set forth each agency which must approve the establishment or operation of the center, shall be accompanied by a copy of an application or other request to each such agency for such approval, shall set forth the status of each such application, and shall state any facts known to the applicant which may result in the denial or delay of any required approval which has not been obtained as of the time of the filing of the application for a Special Permit.
- B. No permanently installed play equipment shall be located in the required front yards.

§ 79.0 Excavation Operations

Excavation operations shall be subject to the following requirements:

- A. Excavation operations may be permitted as Special Permit Uses in the A-G Agricultural or M-1 General Industrial District upon the approval by the Zoning Board of Appeals.
- B. No site preparation or construction shall commence nor shall existing structures be occupied until final Site Plan Approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
- C. The applicant shall furnish evidence of a valid permit from the New York State Department of Environmental Conservation pursuant to Title 27, Article 23 of the Environmental Conservation Law when applicable.
- D. The minimum lot area for any such use shall be ten (10) acres.
- E. All buildings and excavation operations shall be located or shall occur not less than 100 feet from any street or property line. The setback area shall not be used for any use in conjunction with the excavation and appurtenant activities except for one public notice sign identifying the use of the property, fencing, berms, buffers, access roads and parking.
- F. All equipment used for excavations and processing shall be constructed, maintained and operated in such a manner as to eliminate as far as is practicable noises and vibrations, and dust conditions which are injurious or a nuisance to persons living in the vicinity.
- G. All operations shall be conducted between the hours of 7:00 AM and 6:00 PM with no Sunday or holiday operations, and except in the case of public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.
- H. All land that has been excavated must be rehabilitated in accordance with reclamation plans approved by the Planning Board as part of the site development plan review and approval process. Whenever possible, the Planning Board will encourage excavation operators to reclaim areas on an ongoing basis as part of the excavation operation. All reclamation shall be completed within one year after the termination of operations, at the expense of the operator. A licensed engineer shall prepare the reclamation plan.
- I. A performance bond or some other financial guarantee shall be required to assure that the conditions stipulated in the approval of the Special Permit are carried out.
- J. All access roads shall be constructed to screen, as much as feasible, excavation and appurtenant activities from public view. The junction of the access and the public road must be at an angle of not more than 10 degrees deviation from a right angle, or ninety degrees. Fencing shall be provided on all sides of the excavation area. The fencing shall be at least six feet in height and of a type approved by the Planning Board.
- K. Existing hills, trees and ground cover fronting along public roads or adjacent property shall be preserved, maintained and supplemented by selective cutting, transplanting and addition of new trees, shrubs and other ground cover for the purpose of screening and noise reduction.
- L. Lateral support shall be sufficient to prevent the hazard or damage to persons, adjacent properties and public roads by reason of slides, sinking or collapse.
- M. Operations shall not be detrimental to adjacent property nor unduly interfere with the quiet enjoyment of adjacent property.

- N. An adequate and comprehensive drainage system shall be provided to convey the stormwater runoff originating on and crossing the premises in accordance with the natural direction of runoff for the total watershed area. No excavation shall be allowed within 50 feet of a natural stream.
- O. The applicant shall include a plan for the control of soil erosion and excessive ground water seepage upon public roads, streams or adjacent properties. The Town Planning Board shall determine whether or not the controls are adequate and in force prior to approval of the original or renewed permit.
- P. All applications for a permit under this section must contain an operations plan in sufficient detail to describe the excavation operation, including active excavation and storage areas.
- Q. Prior to taking action on any proposal for a permit under this section the Planning Board shall request and receive a written report on the adequacy and/or appropriateness of the proposed excavation.
- R. A quarry for the removal of stone in bulk without crushing, a sand or gravel pit and topsoil removal may be authorized by the Zoning Board of Appeals, with appropriate approvals from the NYS Department of Environmental Conservation, provided that:
 - (1) No excavation, blasting or stock piling of materials shall be located within three hundred (300) feet of any public road, property line or any creek.
 - (2) No power-activated sorting machinery or equipment shall be located within six hundred (600) feet of any public road or other property line and all such machinery shall be equipped with satisfactory dust elimination devices.
 - (3) All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning/Code Enforcement Officer.
 - (4) Extension of an existing nonconforming operation shall not be permitted.
 - (5) The applicant shall submit a copy of the reclamation plan as approved by the NYS Department of Environmental Conservation.

§ 80.0 Home Occupations, Low Intensity

Home occupations shall be subject to the following requirements:

- A. No more than fifteen (15) percent or three hundred fifty (350) square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation. This requirement shall not apply to family day care homes.
- B. No stock-in-trade shall be displayed or sold on the premises.
- C. There shall be no outdoor storage of commercial vehicles, equipment or materials used in the home occupation.
- D. Not more than one (1) vehicle used in commerce shall be permitted in connection with any home occupation.
- E. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
- F. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
- G. No sign shall be allowed in the R-1 District.
- H. In all other Districts, one (1) unlighted sign, not over two (2) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- I. Instruction for no more than five (5) attendees shall be allowed.

§ 81.0 Home Occupations, High Intensity

High intensity home occupations shall be subject to the following requirements:

- A. No more than twenty-five (25) percent or four hundred fifty (450) square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation. This requirement shall not apply to family day care homes.
- B. No more than two thousand five hundred (2,500) square feet of any lot may be used for storage of equipment and materials used in the home occupation.
- C. All outdoor storage equipment or materials used in the home occupation, shall be screened in accordance with §110.0 Landscaping, Buffers and Screening.
- D. Not more than two (2) vehicles used in commerce shall be permitted in connection with any home occupation. This shall not include merchandise for sale as part of the home occupation.
- E. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
- F. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
- G. No sign, other than one (1) externally lit sign not over eight (8) square foot in area and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- H. Instruction for no more than five (5) attendees shall be allowed.

§ 82.0 Horses and Livestock

Horses and livestock, kept on property for personal use and not associated with farm operation, are permitted in provided that there is compliance with the following standards and conditions:

- A. No such accessory use shall be permitted on lots having less than two (2) acres of land.
- B. The number of horses and livestock permitted on each lot shall not exceed the following: two (2) horses or livestock (in any aggregate combination) for the first two (2) acres of lot area plus one (1) additional horse or livestock for each additional acre of lot area.
- C. Not more than two (2) horses or livestock boarded shall be owned by or for the use or benefit of persons other than those who are resident occupants of said lot.
- D. The resident occupants of the lot shall, upon written request of the Zoning/Code Enforcement Officer, produce a sworn affidavit or other reasonable evidence of said ownership of every horse or livestock boarded or kept on said property.
- E. All grain-type feed shall be kept in rodent proof metal containers.
- F. No manure shall be stored or permitted to accumulate within one hundred (100) feet from any boundary line or within twenty-five (25) feet from a dwelling on the same lot, or within one hundred twenty five (125) feet from a dwelling on any adjacent lot.
- G. The Zoning/Code Enforcement Officer shall approve the location for the storage area for manure and it shall be stored, treated and disposed of in such a manner so that it shall not create any odor or attract or harbor any rodents, flies or other insects.
- H. The stables, barns, sheds or accessory buildings or structures used in connection with or for sheltering horses or livestock pursuant to this section shall not exceed those reasonably necessary to accommodate permitted horses and livestock and shall not be located nearer to the street line than the rear line of the principal dwelling.
- I. The maintenance of the structures and hygienic conditions connected with the accessory use here permitted shall be under the supervision of the Town and New York State, to the extent necessary.
- J. If the conditions are found to be dangerous to the health, safety and welfare of humans or animals, or if any of the requirements of this Law are not complied with by the resident occupants, the accessory use here permitted shall, upon order of the Zoning/Code Enforcement Officer, be discontinued until such time as the conditions complained of are remedied to the satisfaction of the Zoning/Code Enforcement Officer.

§ 83.0 Hotels and Motels

Hotels or motels, where allowed under this Law, shall conform to the following requirements:

- A. No rental structure or part thereof shall be placed closer to any street or road line than one hundred (100) feet.
- B. No rental structure or part thereof shall be placed closer to any other property line than fifty (50) feet.
- C. No rental structure or part thereof shall be placed closer to any other Residential District boundary than two hundred (200) feet.

§ 84.0 Individual Wastewater Treatment System

All Individual Wastewater Treatment System installations shall conform to the requirements of Town of Seneca regulations on wastewater treatment systems and the New York State Department of Health.

§ 85.0 Junk Vehicles

Junk vehicles shall be subject to the following regulations:

- A. Junk vehicles shall be stored within a completely enclosed building or shall be surrounded by a solid stable fence or wall designed to be completely opaque.
- B. A maximum of one (1) junk vehicle may be maintained outdoors if surrounded by a solid stable fence or wall.
- C. More than one (1) junk vehicle stored outdoors, even if surrounded by a solid stable fence or wall, will constitute a junkyard and shall be prohibited.
- D. Sustained progress in restoring a junk automobile to operational condition shall be allowed under the following conditions and said vehicle shall not constitute a junk vehicle:
 - (1) A maximum of one restoration per any single parcel.
 - (2) The entire restoration shall take a reasonable time to accomplish.
 - (3) Such vehicles shall be located so as to create the least nuisance possible.
 - (4) Noise associated with the restoration shall be limited to reasonable hours.
 - (5) Restoration shall be for personal use only, and not for profit.

§ 86.0 Junkyards or Salvage Yards

No new junkyards shall be allowed within the Town of Seneca.

Existing junkyards shall conform to the following requirements. Any junkyard within the Town shall be conducted within the confines of a completely enclosed building, shall be completely screened from the public right-of-way or within the confines of a tight-board fence at least six feet in height and set back from the center line of the road on which it adjoins or abuts at least one hundred fifty (150) feet. The enclosure setback shall also be at least fifty (50) feet from any adjoining property line. The following rules apply to all junkyards, as defined in this Law, in the Town of Seneca:

- A. An application for an annual license or the renewal shall be filed with the Town Clerk and shall be accompanied by initial application and renewal fees as set from time to time by resolution of the Town Board.
- B. The application for a license or license renewal shall be made on printed forms furnished by the Town of Seneca and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to maintain and operate the junkyard and make the application). Each license or renewal shall expire on the 31st day of December following the issuance.
- C. Before a junkyard license shall be issued, there must be a favorable recommendation by a majority of the Town Board of the Town of Seneca, and the premises must be inspected by each of the members of the Town Board, or their duly authorized representatives, and certified by them as complying with all of the provisions of this Law and all other applicable ordinances of the Town of Seneca.
- D. Any applicant for a junkyard permit shall state that he, as agent or owner, shall be responsible for the proper maintenance and upkeep of the proposed junkyard and shall further submit the following information:
 - (1) Boundaries of plot and areas;
 - (2) Drawings of entrances, exits and walkways;
 - (3) Location of junkyard site or lot;
 - (4) Name and address of owner and/or operator.
- E. The Town Board, or any other duly authorized agent or employee of said Town, shall have the right at any reasonable time to enter any junkyard or other premises used for junkyard operations to inspect the same for the purposes of determining whether the requirements of this Law are continuing to be met by the owner or operator of said junkyard. If upon inspection it shall be found that the permit holder has violated any provisions of this Law, the Town Board shall have the power to revoke or suspend any license and order the cessation of junkyard operations upon the premises, after notice and proper hearing.

- F. No curb cuts or driveways shall be located within one hundred fifty (150) feet of any Residential District boundary line.
- G. In the event that a protest is presented to the Zoning/Code Enforcement Officer no later than twenty-four (24) hours before the Zoning Board of Appeals is scheduled to consider the Special Permit, which protest is duly signed and acknowledged by the owners of twenty (20) percent or more of the total of all properties located in Residential Districts within one thousand (1,000) feet of the subject property and in Commercial Districts within five hundred (500) feet of the subject property, a Special Permit shall not be approved except by a three-fourths vote of the Zoning Board of Appeals.

§ 87.0 Kennels

- A. No site preparation or construction shall commence nor shall existing structures be occupied until final Site Plan Approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
- B. Shelters for animals within kennels shall not be closer than one hundred (100) feet to any lot line.
- C. No outdoor area enclosed by fences for the use of animals shall be permitted within the front yard. Fenced areas may be permitted within one hundred (100) feet of any side or rear property line.

§ 88.0 Manufactured Homes

The following shall apply in addition to all other regulations of the Town.

- A. Manufactured homes shall be allowed any district where single family homes are allowed only on a single building lot as a permanent single-family dwelling if the following conditions are met:
 - (1) The minimum building width shall be twenty four (24) feet.
 - (2) Minimum square footage requirements for single-family homes in that District must be met.
 - (3) The minimum roof pitch shall be 4:12.
 - (4) Hitches and running gear must be removed.
 - (5) The structure must be provided with stabilizing devices and other supports to prevent overturning due to wind and roof load.
- B. If the conditions of Section A are not met, manufactured home shall be parked and occupied in any district outside an approved manufactured home park for more than forty-eight (48) hours except upon a Special Permit issued by the Zoning Board of Appeals. Such permit shall be issued for a period not to exceed thirty (30) days and shall not be renewable within the same calendar year.
- C. When mobile/factory manufactured housing is proposed as a single-family dwelling, perimeter enclosure between base of home and top of perimeter foundation shall be of poured cement or concrete masonry unit construction.

- D. When a manufactured home is proposed to be used as a tenant farm dwelling, said manufactured home is to be occupied by an employee of the owner of the lot on which said manufactured home occupies and that said employee is primarily engaged in the occupation of farming and derives at least 50% of his/her income from such occupation. Prior to placement of said manufactured home on a lot, the owner shall obtain a temporary permit valid for a three (3) year period, which is renewable for three (3) year periods.
- E. The Zoning/Code Enforcement Officer may issue a temporary permit for a manufactured home not located in a manufactured home park when said manufactured home is to be used as an interim dwelling during construction of a permanent residence or in the event that a permanent residence has been damaged or destroyed by fire or other similar hardship conditions. Said manufactured home shall be removed within twelve (12) months from the date of issuance of the temporary permit. A single extension, up to twelve (12) months, may be granted by the Zoning Board of Appeals.
- F. All manufactured homes used as offices or referred to as “mobile offices” shall be prohibited in the Town of Seneca. This shall not include construction field offices required on site for specific projects completed in the Town of Seneca. These field offices, however, shall be removed from the construction site within seven (7) days of project completion.

§ 89.0 Manufactured home Parks

The following shall apply in addition to all other regulations of the Town of Seneca regarding manufactured home parks:

- A. It is unlawful within the Town of Seneca for any person or persons to construct or operate a manufactured home park without first securing the required permits and approvals from the Town of Seneca and complying with the regulations of this Law.
- B. Any applicant for a manufactured home park license shall state that as agent or owner, shall be responsible for the proper maintenance and upkeep of the proposed park and shall furnish the following information:
 - (1) Boundaries of plot area;
 - (2) Entrances, exits and walkways;
 - (3) Trailer sites or lots;
 - (4) Method and plan of sewage disposal;
 - (5) Method and plan of garbage disposal;
 - (6) Water supply;
 - (7) Electric lighting;
 - (8) Owners' and operators' name and address.

- C. The park plan shall include the following:
- (1) A manufactured home park shall have an area of not less than five (5) acres.
 - (2) No manufactured home lot or office or service building shall be closer to a street, road or other property line than one hundred (100) feet.
 - (3) No manufactured home or trailer lot, office or service building shall be closer to any street or road line than one hundred (100) feet or closer to any other property line than fifty (50) feet.
- D. Wherever located, a manufactured home park shall conform to the following additional requirements:
- (1) The park shall be located on a well-drained site suitable for the purpose, with an adequate entrance road at least twenty (20) feet wide.
 - (2) Individual manufactured home lots shall have an area of not less than three thousand (3000) square feet with a minimum width of forty (40) feet and a minimum depth of seventy-five (75) feet.
 - (3) The total number of manufactured home lots shall not exceed twelve (12) per gross acre.
 - (4) Margins alongside of the rear property line shall be densely planted with trees and shrubs for a depth of not less than twenty-five (25) feet.
 - (5) Each manufactured home shall have an entrance platform to conform with the overall plan.
 - (6) Each manufactured home park shall provide sanitary services and conveniences including water supply, sewage disposal, lighting, garbage disposal and incinerator, according to the regulations in this Article.
 - (7) Each manufactured home park shall include a minimum of twenty (20) percent open space; this shall include common areas, parks, playgrounds and other amenities that can be used by the residents of the park.
- E. A sufficient supply of water obtained from the Town of Seneca water system or a private water system approved by the NYS Department of Health shall be provided to each manufactured home.
- F. Waste from showers, toilets and laundries shall be connected to a waste water system in a manner approved by the Town and New York State. All kitchen sinks, washbasins, lavatories, bath and showers in the manufactured home located in any manufactured home park shall empty into a system approved by the Town and State.

§ 90.0 Personal Wireless Telecommunication Facilities (PWTF)

The purpose of this Section is to provide sound land use policies, procedures and regulations for personal wireless telecommunications facilities. These will protect the Town from the visual or other adverse impacts of these facilities, while encouraging unobtrusive development that ensures comprehensive wireless telecommunications services. The standards reflect a policy that expresses a preference that antennas be located on existing buildings and towers rather than on newly constructed towers.

The regulations of this Section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all personal wireless communication facilities. The regulations of this section relate to the location and design of these facilities and shall be in addition to the provisions of the any other federal, state or local laws or Federal Communication Commission (FCC) regulations pertaining to such facilities.

A. District Standards

(1) Residential Districts

- (a) **Antennas on buildings** - Antennas on buildings are permitted on all buildings which are four (4) stories or greater in height, provided that the antennas and related support structures do not extend more than twenty (20) feet above the roofline.
- (b) **Antennas on existing towers** - Antennas on existing telecommunications towers or other structures shall require a Special Permit unless otherwise allowed by the terms of a prior Special Permit.
- (c) **Telecommunications towers** - Telecommunications towers shall not be permitted in Residential Districts.

(2) Agricultural and Commercial Districts

- (a) **Antennas on buildings** - Antennas on buildings are permitted on all buildings which are four (4) stories or greater in height, provided that the antennas and related support structures do not extend more than twenty (20) feet above the roofline.
- (b) **Antennas on existing towers** - Antennas on existing telecommunications towers or other structures shall require a Special Permit unless otherwise allowed by the terms of a prior Special Permit.
- (c) **Telecommunications towers** - Telecommunications towers shall require a Special Permit and shall be subject to the additional design standards set forth in this Section.

- (3) M-1 District
 - (a) **Antennas on buildings** - Antennas on buildings are permitted on all buildings provided that the height above grade does not exceed one hundred (100) feet, and provided that antennas and related support structures that extend more than twenty (20) feet above a roof are set back at least one hundred (100) feet from the nearest Residential District.
 - (b) **Antennas on existing towers** - Antennas on existing telecommunications towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior Special Permit.
 - (c) **Telecommunications towers** - Telecommunications towers are permitted provided that the height of the tower does not exceed one hundred (100) feet, and provided that the tower is located at least one hundred (100) feet from the nearest Residential District.

B. Design Standards

The following design standards shall apply to antennas and telecommunications towers installed or constructed pursuant to the terms of this Law:

- (1) **Co-location** - Telecommunications towers shall be designed to provide for co-location by four (4) providers or designed so that they can be retrofitted to accommodate four (4) providers.
- (2) **Fencing** - The base area of a tower shall be enclosed with a fence not less than six (6) feet in height. The following conditions shall apply to all fencing:
 - (a) Horizontal openings between pickets shall not exceed four (4) inches.
 - (b) Where a chain-link fence is provided, the openings between links shall not exceed 2 3/8 inches.
- (3) **Landscaping** - Landscaping shall be provided along the perimeter of the tower base area to provide a visual screen or buffer for adjoining private properties and the public right-of-way. Required front yard setback areas shall be landscaped. Compensatory site improvements may be provided in lieu of base area landscaping at the discretion of the Planning Board.
- (4) **Signs** - Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.
- (5) **Color** - Towers shall either be gray in color, have a galvanized finish or be colored appropriate to the tower's locational context to the extent that the tower is as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).
- (6) **Access** - Access to tower or monopole areas shall be from established site access points whenever possible.
- (7) **Dish Antennas** - Dish antennas shall be colored, camouflaged or screened to the extent that they are as unobtrusive as possible, and in no case shall the diameter of a dish antenna exceed six (6) feet.

- (8) **FAA Standards.** Antennas and support structures required to be lighted and painted other than gray or a galvanized finish by FAA regulations shall be allowed only upon the issuance of a Special Permit subject to the additional standards set forth in this Section.
- (9) **Accessory Equipment** - Accessory equipment may be located within an existing building, or in newly constructed buildings and structures when limited to four-hundred (400) square feet in floor area.

C. Bulk, Space and Yard Requirements

(1) **Height**

Except as otherwise restricted by this Section, antennas located on buildings and other structures and towers shall be subject to the applicable district regulations pertaining to height.

(2) **Setback**

- (a) Setback requirements for towers and accessory buildings and structures shall be a minimum distance equal to the height of the tower.
- (b) Street yard setback areas shall be landscaped and used for no other purposes.

D. Additional Requirements and Standards

(1) **Personal Wireless Telecommunications Facilities Application**

- (a) Each application for a personal wireless telecommunications facility shall be accompanied by a plan which shall reference all existing personal wireless telecommunications facility locations, any such facilities in the abutting Towns which provide service to areas within the Town of Seneca and any changes proposed within the following twelve-month period, including plans for new locations and the discontinuance or relocation of existing wireless facilities.
- (b) Special Permit applications required by this Section shall be accompanied by an updated annual plan.

(2) **Special Permit Applications**

All PWTF applications in the Town of Seneca shall require a Special Permit.

- (a) In reviewing Special Permit applications required by this Section, the Zoning Board of Appeals shall consider the Town's policy preferring that antennas are located on existing buildings, towers and other structures, rather than on newly constructed towers. When considering appropriate height in conjunction with such applications, the Zoning Board of Appeals shall be more permissive when a facility is proposed for co-location by more than one service provider and less permissive when the facility is proposed for use by a single provider.
- (b) In approving a Special Permit required pursuant to this Section, the Zoning Board of Appeals may waive any of the height, distance separation, setback and design standards of this Section when it finds that doing so will have no detrimental impact on adjacent properties or on the public health, safety and welfare and that such waiver is in keeping with the purpose of this section and with the Town's policy on personal wireless communications facilities.

(3) **Discontinuance of Use**

If the use of any facility is discontinued, the provider shall notify the Town of Seneca within ninety (90) days of such discontinuance. If the facility will be retained, the provider shall establish that the facility will be reused, and all necessary approvals obtained, within one year of such discontinuance. If a facility is not reused within one year, a demolition permit shall be obtained and the facility removed. At the discretion of the Zoning/Code Enforcement Officer, upon good cause shown, the one-year period for removal may be extended for a period not to exceed one additional year.

E. **Exceptions and Explanatory Notes**

- (1) Personal wireless telecommunications facilities may be repaired or maintained without restriction.
- (2) Antennas may be replaced in kind without restriction.
- (3) Other structures as referenced in this Section include freestanding structures as well as structures attached to or located on buildings, such as antenna support structures, church spires, belfries, cupolas, domes, monuments, water towers, observation towers, windmills, solar energy collectors and equipment used for the monitoring or operation of such collectors, chimneys, smokestacks, flagpoles, masts and similar structures.

§ 91.0 Private Airfields, Landing Strips

Private Airfields, Landing Strips shall be subject to the following requirements:

- A. Private Airfields and Landing Strips may be permitted as Special Permit Uses in the AG Agricultural Zone District upon the approval of a Special Permit by the Zoning Board of Appeals.
- B. All private airfields and landing strips shall comply with the regulations of the appropriate federal and state agencies.
- C. No commercial flying lessons that involve use of flying aircraft shall be permitted.
- D. All ascent approaches and descent flight paths shall be at least five hundred (500) feet from any residential structure.

§ 92.0 Public Utilities

Public utilities shall be subject to the following requirements:

- A. Any structure shall be set back not less than twenty-five (25) feet from all property lines other than the minimum setback requirements of the applicable zoning district, whichever is greater.
- B. No parking or storage areas/facilities shall be located in the front setback.
- C. The uses shall be enclosed by a screen and landscaped as required by §110.0.
- D. The outdoor storage of vehicles and equipment on the premises shall be prohibited.

§ 93.0 Satellite Television Receiving Antennas

Satellite television receiving antennas shall be subject to the following requirements:

- A. In industrial districts only, the roof-mounted satellite television receiving antenna can be no more than ten (10) feet in diameter and must be accompanied by drawings stamped by a licensed engineer indicating wind load imposed, roof structure design or re-design of roof structure to carry added wind/weight load.
- B. In industrial districts, satellite antennas shall not be more than twenty-five (25) feet above grade. Ground mounted systems in commercial districts shall be screened with appropriate fencing or landscaping indicated in §110.0 Landscaping, Buffers and Screening.
- C. No more than one (1) satellite television receiving antenna is allowed per residential or commercial lot.
- D. In residential and commercial districts, ground mounted satellite antennas are allowed only in side or rear yards and their overall height shall not be greater than twelve (12) feet in height. The perimeter shall adhere to all setback requirements set forth in this Law.
- E. In residential and commercial districts, roof top mounted satellite antennas larger than eighteen (18) inches shall be prohibited.

§ 94.0 Sexually Oriented Businesses

This Section regulates sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the Town. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any speech, including sexually oriented speech. Similarly, this Section is not intended to or effect the restriction or denial of access by adults to speech protected by the First Amendment and New York Constitution, or to deny access by the distributors and exhibitors of sexually oriented speech to their intended market. Neither is the intent nor effect of this Law to condone or legitimize the distribution of obscene material. Sexually Oriented Business shall be subject to the following requirements:

A. Single Adult Use Per Location

There shall only be one sexually oriented business permitted on a single premises and they shall only be permitted in the M-1 District.

B. Measurement

- (1) The number of items in stock in the sales and display area at the time of a site inspection. The number of sexually oriented items shall be calculated as a percentage of total items.
- (2) The entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually oriented materials shall be calculated as a percentage of total sales and display area.
- (3) Where sexually oriented materials are physically separated from other materials by an eight-foot wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.
- (4) Where floor area includes a mixture of sexually oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include one-half of the area of any aisles adjacent to the display or sales of sexually oriented materials.

C. Additional Standards

(1) Adult Arcade, Adult Cabaret or Adult Retail Store

An adult arcade, adult cabaret, or adult retail store shall be licensed by the Town of Seneca.

(2) Adult Movie Theater

An adult movie theater shall be licensed by the Town of Seneca. All aisles shall have theater runway and aisle lighting that illuminates the entire floor surface of the aisle at a level of not less than 0.2 foot-candles.

D. Separation Requirements

(1) Measurement

The following separation requirements shall be measured from the lot line of a sexually oriented business to the lot line of a protected use or other sexually oriented business listed below. Where a multi-tenant facility such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the property line.

(2) Protected Uses

For the purpose of measuring separation from sexually oriented businesses, “protected uses” shall include the following:

- (a) Public or private elementary or secondary schools;
- (b) Public parks and playgrounds;
- (c) Public or private community centers;
- (d) Places of worship;
- (e) Hospitals;
- (f) Public Libraries.

(3) Distance Requirements.

- (a) Adult Arcade, Adult Cabaret, Adult Movie Theater and Adult Retail Store
 - (i) Distance from any Protected Use – one thousand (1,000) feet
 - (ii) Distance from any Residential or Commercial District – one thousand (1,000) feet
 - (iii) Distance from any other Limited Adult Retail Store or Escort Agency – N/A
- (b) Distance from any other Sexually Oriented Business – one thousand (1,000) feet

E. Specific Nonconforming Use Provisions

A sexually oriented business lawfully operating in conformance with this Law shall not be rendered a nonconforming use by the location, subsequent to its lawful establishment and licensing (if required) of a protected use listed violation of the distance requirements in this Section.

§ 95.0 Single-Family Dwellings

Single-family dwellings shall be subject to the following requirements:

- A. All new single-family structures shall require a NYS licensed architect or engineer stamped drawings.

§ 96.0 Shopping Centers

Shopping centers shall be subject to the following requirements:

- A. The proposed development shall be in accordance with a Site Plan submitted to the Town of Seneca and approved by the Planning Board.
- B. The entire development shall be in a single ownership, built or financed by a single party unless satisfactory evidence is shown that all parties financially or otherwise concerned in the development are legally bound to conform to the submitted Site Plan.
- C. The proper highway authority and the Public Works Department shall approve all vehicular entrances and exits upon public roads.

§ 97.0 Swimming Pools

Private swimming pools shall be subject to the following requirements:

- A. The pool shall be used only as an accessory use to a dwelling for the private use of the owner or occupant of such dwelling or building and their family, guests or employees.
- B. Outdoor swimming pools shall be located in the side or rear yard, but not closer than fifteen (15) feet to the side or rear property line. Swimming pools shall never be permitted in a front yard.
- C. No permit shall be issued for such pool unless the applicant can show that there is sufficient water supply to accommodate such pool without detriment to normal water consumption requirements and that all proposed water supply connections are proper and adequate.
- D. No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate and will not interfere with existing sewerage or drainage facilities, with the property of others or with public highways. Pools may not be drained into septic systems.
- E. No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
- F. Building and zoning permits shall be required for all swimming pools more than twenty four (24) inches deep.
- G. Applications for swimming pool permits shall comply with these regulations and all applicable requirements of the State of New York. Where the regulations of the Town and state are inconsistent, the more restrictive requirements shall govern.
- H. Such pool shall be maintained in a manner sufficient to meet the bacterial standards established by the provision of the New York State Sanitary Code relating to public swimming pools.
- I. Pools equipped with an integral filtration system and filter pumps or other mechanical devices that shall be so located and constructed so as not to interfere with the peace, comfort and repose of the occupant of any adjoining property.

§ 98.0 Temporary Uses

Except as otherwise expressly provided in this Section, temporary uses are permitted in any zoning district subject to the standards hereinafter established.

A. Particular Temporary Uses Permitted

Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses of land are permitted in the zoning districts herein specified:

(1) Carnival or Circus or Festival

- (a) A carnival or circus may be permitted in any Agricultural, Commercial or Industrial District or in any Residential District on property owned by any not-for-profit group or organization and when approved by the Zoning/Code Enforcement Officer on the basis of the adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact on surrounding properties in the Residential District.
- (b) Such use shall be limited to a period not to exceed twenty-one (21) days.
- (c) Such use need not comply with the front yard requirements of this Law except that structures or equipment that might block the view of operators of motor vehicles on the public streets shall not be located within thirty (30) feet of the intersection of the curb-lines of any two streets. In no case shall the use be permitted in the right-of-way.
- (d) Such use need not comply with the maximum height requirements of this Law.

(2) Contractors' Offices, Equipment Sheds and Construction Staging Areas

- (a) Contractors' offices, equipment sheds and construction staging areas containing no sleeping or cooking accommodations may be permitted in any district when accessory to a construction project.
- (b) Temporary storage shall be allowed as an accessory use to the contractor's office or equipment shed.
- (c) Such use shall be limited to a period not to exceed the duration of one (1) year; after one year, a renewal of the temporary use shall be required.

(3) Garage and Yard Sales

- (a) No directional or advertising sign associated with the sale shall exceed four square feet in area.
- (b) No directional or advertising sign shall be displayed more than seven (7) days prior to the sale, and each sign shall be removed immediately upon completion of the sale.

- (4) Indoor and Outdoor Art and Craft Shows, Exhibits and Sales
 - (a) Indoor and outdoor art and craft shows, exhibits and sales may be permitted in any Agriculture, Commercial or Industrial District subject to proper approval of the Town, or in any public park in a Residential District.
 - (b) Such use shall be limited to a period not to exceed five (5) days.
- (5) Real Estate Offices
 - (a) Real estate offices containing no sleeping or cooking accommodations unless located in a model dwelling unit may be permitted in any district when accessory to a new housing development.
 - (b) Such use shall be limited to the period of the active selling or leasing of dwelling units in such development.
- (6) Roadside Stands
 - (a) Temporary roadside stands are exempted from the yard and setback requirements for the use district in which it is located.
 - (b) No roadside stand shall be located in the right-of-way.
 - (c) Pull-offs shall be provided to allow vehicles to park on areas off the road and right-of-way.
- (7) Seasonal Sales
 - (a) Seasonal sales, including, but not limited to, Christmas tree sales, may be permitted in any District when approved by the Planning Board on the basis of the adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact on other properties in the District.
 - (b) Such use shall be limited to a period not to exceed forty-five (45) days.
 - (c) Display of Christmas trees need not comply with the yard and setback requirements of this Law, except that no tree shall be displayed within thirty (30) feet of the intersection of the curb-lines of any two streets. In no case shall the use be located in the right-of-way.
- (8) Other Temporary Uses
 - (a) Other temporary uses found by the Zoning/Code Enforcement Officer to comply with the provisions of this Section but in no case shall they exceed a period of thirty (30) days.
 - (b) Uses identified in specific Districts in this Law as prohibited, limited or specially permitted shall be limited to no more than twenty-four (24) hours no more than two (2) times per year in that District.

B. Parking

Before approving any temporary use, the Zoning/Code Enforcement Officer shall make an assessment of the total number of off-street parking spaces which shall be reasonably required for use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided.

C. Hours or Days of Operation

No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Zoning/Code Enforcement Officer in the certificate required by this Section on the basis of the nature of the temporary use and the character of the surrounding uses.

§ 99.0 Vehicle Rental Services

Vehicle Rental Services shall be subject to the following requirements:

- A. No repairs, except on vehicles being rented, shall be performed on the premises and any such repairs shall be performed only within the principal building on the premises.
- B. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from ground level.
- C. Outdoor display of rental vehicles shall be set back a minimum of twenty (20) feet from all lot lines abutting residentially zoned or developed property.
- D. Setback areas shall be equipped to prevent access by rental vehicles.

§ 100.0 Vehicle Repair Stations

Vehicle Repair Stations shall be subject to the following requirements:

- A. No such use shall be located within fifty (50) feet of any Residential District boundary line.
- B. All repairs shall be performed within an enclosed principal building on the premises.
- C. No partially dismantled or wrecked vehicle or any unlicensed vehicle shall be stored for more than seventy-two (72) hours outside of a completely enclosed building.
- D. All permanent storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.
- E. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of repair operations and stored material and equipment from all points on such residential property when viewed from ground level.
- F. Accessory sales of vehicles are allowed provided they do not:
 - (1) Constitute more than twenty-five (25) percent of the lot size; and
 - (2) Occupy the required parking spaces.

§ 101.0 Vehicle Sales Areas

Vehicle sales areas shall be subject to the following requirements:

- A. No such use shall be located within fifty (50) feet of any Residential District boundary line.
- B. Vehicle storage areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a approved wastewater treatment system.
- C. Accessory repairs shall be allowed provided they are performed within the principal building on the premises.
- D. All permanent storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.
- E. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of repair operations and stored material and equipment from all points on such residential property when viewed from ground level.

§ 102.0 Vehicle Service Stations

Vehicle service stations shall be subject to the following requirements:

- A. No open-air outdoor storage of materials, merchandise and equipment shall be permitted during non-business hours. Storage of materials, merchandise and equipment during non-business hours shall take place within the principal building or within closed, secure containers such as outdoor storage cabinets.
- B. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.
- C. No partially dismantled or wrecked vehicle or any unlicensed vehicle shall be stored for more than seventy-two (72) hours outside of a completely enclosed building.
- D. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of service station operations and stored material and equipment from all points on such residential property when viewed from ground level.
- E. In addition to the sign restrictions outlined in §115.0, when calculating signage square footage for service stations, signage shall include all attached and detached signage, window signs, canopy signs and signs on pumps.
- F. An accessory car wash shall have no more than a single point of access for entering and exiting, shall be arranged to prevent drive-thru operation and shall be limited to a single bay.
- G. Queuing lanes shall be subject to the Requirements Applying to All Districts in §113.0.

§ 103.0 Vehicle Storage Areas

Vehicle storage areas shall be subject to the following requirements:

- A. Any portion of a lot used for open off-street parking for storage areas for motor vehicles, contractor's equipment or boats, shall be deemed to be a vehicle storage area.
- B. No building, fuel dispenser, motor vehicle or any other equipment or storage shall be closer than twenty-five (25) feet of a Residential District, nor twenty (20) feet of a street line.
- C. New vehicle storage areas or alterations of existing motor vehicle use areas shall be subject to the following requirements:
 - (1) Every vehicle storage area and access driveway shall be surfaced with a durable and dustless material and shall be so graded and drained as to dispose of surface water accumulations.
 - (2) Any fixture used to illuminate any vehicle storage area shall be arranged so as to direct the light away from the street and from adjoining lots in any Residential District.
 - (3) Every vehicle storage area, except off-street parking areas for less than five (5) vehicles, shall be screened from any adjoining lot in any Residential District by a landscaped buffer of no less than five (5) feet in width. Such buffer shall be landscaped and maintained by the owner.
 - (4) No entrance or exit to a vehicle storage area shall be permitted within thirty (30) feet of any intersecting street lines and, except for permitted residential off-street parking areas in the Residential Districts, no entrance or exit shall be permitted within ten (10) feet of a lot in any Residential District.
 - (5) No vehicle storage area shall be used for auto wrecking or for storage of wrecked, partially dismantled or equipment, or motor vehicles that do not qualify for New York State motor vehicle registration and inspection.

§ 104.0 Waste Disposal Sites

Waste disposal sites shall be subject to the following requirements:

- A. If the use of any lot or building involves the disposal of sewage or wastewater and public sewers are not available, an adequate sanitary disposal system for the same shall be installed in accordance with regulations and standards promulgated by the Department of Health and at all times maintained on such lot or in lawful connection therewith. The minimum lot area otherwise required shall be increased where necessary to the extent required to provide such disposal system. Detailed plans for such disposal system shall be submitted to the Zoning/Code Enforcement Officer and approved by him/her before a zoning permit shall be issued.
- B. No lot shall be used for the commercial storage or disposal of solid or liquid waste without the prior approval of the Town Board except, however, duly approved individual sewage disposal systems. Town Board approval shall be given only upon a finding that the proposed use shall not have a detrimental effect upon surrounding properties and evidence of any required permits necessary from the New York State Department of Health and/or Environmental Conservation. The Town Board may require the submission of any documents necessary to make the foregoing finding. This provision shall not prohibit the storage of animal waste upon any farm as allowed by County and State regulations.
- C. Septic tanks, sewerage or other disposals, including those with potentially harmful effluents, shall not be permitted to discharge, either directly or indirectly, into a road, public ditch or stream or lake.

§ 105.0 Waste Stations

Waste stations shall be subject to the following requirements:

- A. No curb cuts or driveways that provide access from a local or a collector street shall be used or established.
- B. No curb cuts or driveways shall be located within one hundred fifty (150) feet of any Residential District boundary line.
- C. Storage shall be at least five hundred (500) feet from any Residential District.
- D. Storage shall be at least two hundred (200) feet from any Commercial District.
- E. If burning is to be conducted on the premises, an incinerator acceptable to the Zoning/Code Enforcement Officer shall be provided for burning and all such burning shall be in compliance with the standards of the State of New York relating to air pollution.
- F. All refuse trucks and refuse trailers shall be empty of refuse when parking or stored on the premises.

Article XII. Requirements Applying to All Districts

§ 106.0 Purpose

The Requirements Applying to all Districts regulate activities, uses, structures, conditions and treatments that may be present on a property whether or not a principal structure or use is present. These requirements contribute to and promote the health, safety, comforts, conveniences and/or necessities of the property's occupants, the immediate neighborhood and/or the entire Seneca community.

§ 107.0 Air Quality

Emissions to the outdoor atmosphere including, but not limited to, any dust, fumes, gas, mist, odor, smoke, vapor, toxic or deleterious emission, either alone or in combination with others, shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York State Air Pollution Control Rules and Regulations as administered by the New York State Department of Environmental Conservation (NYS DEC). A permit to construct, and a certificate to operate, air contamination sources not otherwise exempted by these rules and regulations must be received from the Commissioner of the NYS DEC.

The applicant shall be responsible for notifying the NYS DEC of any proposal to construct or operate an air contamination source, to apply for the required permits and/or to receive a notification of exemption.

In addition, the development shall not emit any smoke, dust, glare, noxious odors, odorous gases or other matter in such quantities as to be readily detectable at any point beyond the perimeter of the site area.

There shall be no emission or transmission of heat or heated air so as to be discernible at any lot line.

§ 108.0 Fences And Walls

The following shall apply to all fences and walls in the Town of Seneca:

A. Heights

- (1) The height of all fences or walls shall be measured from the average existing grade within five (5) feet of the location of the fence.
- (2) No fence or wall in a Residential District shall exceed six (6) feet in height.
- (3) In no event shall fences or walls in non-Residential Districts abutting Residential Districts exceed six (6) feet in height.
- (4) Within all non-industrial districts, no fence or wall, other than a necessary retaining wall, over three (3) feet in height shall extend into the front yard of any lot.
- (5) A fence of ten (10) feet shall be allowed to enclose a tennis court, provided that such fencing is not less than twenty five (25) feet from either side of the rear property line.
- (6) Fences for the purpose of enclosing farmland, horses and cattle shall not exceed eight (8) feet in height.

B. Fence Surface

- (1) In Residential Districts, fences not more than sixty percent (60%) solid may be located in any front yard or in any yard with street frontage.
- (2) No chain-link or barbed wire fencing shall be permitted in the front yard.
- (3) All solid fences shall be so installed so that the better side shall face outward; all bracing shall be on the inside of the fence.
- (4) Where walls and fences are required, they shall be of a material compatible with the building architecture.
- (5) All required fences and walls shall be maintained and, when necessary, repaired or replaced.
- (6) Wooden retaining walls are discouraged.

C. Street Intersections

At the intersection of two (2) or more streets, no hedge, fence or wall which is higher than three (3) feet above curb level, nor any obstruction to vision shall be permitted in the triangular area formed by the intersecting street lines and a line joining each fifty (50) feet distant from said intersection along said street lines.

D. Placement

Fences and all supporting structures must be entirely on the property of the party erecting the fence and shall not encroach upon a public right-of-way.

E. Flood Hazard Areas

No fence shall be erected in a special flood hazard area.

§ 109.0 Floodplain Regulations

Any use of special flood development in any district proposed for land within a special flood hazard area as delineated on the Federal Emergency Management Agency Flood Insurance Rate Maps and Flood Hazard Boundary Maps which have been adopted by the Town Board. The Zoning/Code Enforcement Officer shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard, especially when there appears to be a conflict between a mapped boundary and actual field conditions. Such applications shall be forwarded to the Ontario County Planning Department and the Genesee Finger Lakes Regional Planning Council for review and comment and, in the case that the applicant proposes to alter or relocate a watercourse, to the State A-95 Clearinghouse and to the towns adjacent to the Town that may be affected with evidence of such notification to be submitted to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.

All such uses or special flood development shall be subject to the following additional standards:

- A. The special flood development shall not encroach into the regulatory floodway, unless such encroachment would not result in any increase in flood levels within the Town during the occurrence of the base flood discharge, as certified by a registered professional engineer.
- B. Any alteration or relocation of a portion of any watercourse as part of the special flood development shall be designed to maintain the flood-carrying capacity of the original watercourse and must be certified as maintaining such capacity by a licensed professional engineer.
- C. Any Special Permit use involving a subdivision shall be consistent with the need to minimize flood damage, shall have public utilities and facilities constructed to minimize flood damage and shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data shall be provided for all proposals involving more than fifty (50) lots or five (5) acres.
- D. The proposed use or building, if intended for the storage, manufacture or use of hazardous substances, shall not encroach into the special flood hazard area.
- E. Every Special Permit shall be conditioned upon:
 - (1) Required Permits

All necessary permits required under federal or state law for the special flood development in question shall be obtained by the applicant before the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, including land preparation, clearing, grading, filling, installation of streets and walkways, excavations for basements, footings, piers and foundations and erection of temporary forms and also including placement on the property of accessory buildings, storage and construction trailers and building materials.
 - (2) Certification of Elevation

The applicant shall verify the as-built elevation of new structures or substantial improvements in a special flood hazard area by filing a certification of the elevation by a licensed land surveyor or engineer with the Zoning/Code Enforcement Officer.

(3) Certification of Compliance

The applicant shall file with the Zoning/Code Enforcement Officer a Certificate of Compliance from a licensed professional engineer certifying compliance with the following conditions:

- (a) All new structures and substantial improvements in special flood hazard areas shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure; shall be constructed with materials and utility equipment resistant to flood damage; and shall be constructed by methods and practices that minimize flood damage.
- (b) All new and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the systems or such systems shall be elevated to or above the base flood elevation.
- (c) All new and replacement sanitary sewer systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters, or such systems shall be elevated to or above the base flood elevation.
- (d) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) All new residential structures or substantial improvements of residential structures within a special flood hazard area shall have the lowest floor, including the cellar or basement, elevated to or above the base flood level at the location, and all fully enclosed areas below the lowest floor shall be designed so as to permit automatic equalization of hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- (f) All new nonresidential structures or substantial improvements within a special flood hazard area shall have the lowest floor, including the cellar or basement, elevated to or above the base flood level and all fully enclosed areas below the base flood elevations shall be designed to automatically allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls.
- (g) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- (h) Pilings or columns, rather than fill, shall be used for the elevation of structures and substantial improvements within the special flood hazard area, in order to maintain the storage capacity of the floodplain and minimize adverse effects downstream.
- (i) In addition, the applicant shall demonstrate compliance of any proposed special flood development with the regulations of the Federal Emergency Management Agency relating to the development within floodplain management areas, as set forth in Title 24, Section 1909 et seq.; and Title 44, Part 59 et seq., of the Code of Federal Regulations.

§ 110.0 Landscaping, Buffers and Screening

A. Landscaping Requirements - General

For purposes of this Section, the landscaped area shall include the area required or permitted, under this Section, to be devoted to landscaping and environmental improvement, which may include existing and new vegetation, berms, lighting, street furnishings and ornamental features which are integrated with the vegetation. The landscaped areas do not include seeded, lawn areas as part of the required lot area. The following standards shall be observed for all projects subject to this Section:

- (1) Whenever possible, development plans shall be designed so as to minimize the number of trees (6" caliper and greater) which would have to be removed or would otherwise disturb the forest floor.
- (2) The following minimum ground area of the total lot area shall be landscaped;
 - (a) Multifamily Residential Use – fifteen (15) percent of the site.
 - (b) Commercial Uses – fifteen (15) percent of the site.
 - (c) Industrial Use – twenty (20) percent of the site.
- (3) In general, landscaped areas shall be located along public streets and sidewalks.
- (4) A landscaped area shall have a minimum width of five (5) feet excluding curbs, retaining walls or similar enclosing structures;
- (5) All landscaped area shall be mulched;
- (6) Landscaping materials shall be contained so as not to spill or intrude into the public right-of-way;
- (7) All trees shall be planted and maintained to grow upright and plumb and the tree pit mulched;
- (8) The use of synthetic vegetation (turf, plastic plants, etc.) shall not be allowed for any required landscaping.

B. Plant Sizes and Specifications

- (1) The minimum size for a shrub shall be thirty (30) inches in height.
- (2) The number of shrubs shall be determined by requiring one (1) shrub for every ten (10) feet of perimeter of the lot.
- (3) The minimum size for a tree shall be a two (2) inch caliper.
- (4) The number of trees shall be determined by requiring one (1) tree for every forty (40) feet of perimeter of the lot. Trees planted in the right-of-way may count towards this requirement, but trees planted within ten (10) feet of the public right-of-way shall be protected by root guards. An existing tree may be counted towards meeting the requirements of this provision provided that the tree has a caliper of at least three inches and condition of the tree is approved for that purpose by the Zoning/Code Enforcement Officer. Such trees must be depicted on the landscape plan.
- (5) Ground covers planted to satisfy the standards of this Section shall have a minimum container size of one (1) gallon.

C. Ground Treatments

- (1) Mulch shall be installed and maintained at a minimum depth of three (3) inches on all planted areas except where ground cover plants are fully established.
- (2) Turf areas shall be planted with species suitable as permanent lawns in the region. Turf areas may be sodded or seeded. Additional maintenance shall be provided until coverage is complete.
- (3) Other ground covers suitable for the soil and climate conditions of the area may be approved within required landscape areas.

D. Screening

- (1) Screening shall be required for any nonresidential use where it abuts an area zoned or used residentially. Screening shall be a minimum of 10 (ten) feet in depth and shall contain dense vegetation.
- (2) Mechanical equipment and open storage areas shall be screened from public streets, alley, paths, private streets and abutting lots to a minimum height of six (6) feet.
- (3) Refuse areas must be completely screened from view of property in any Residential or Agriculture district or public street or walkway with screening that is at least as tall as the dumpster. This provision shall apply to all dumpsters, including those used for the collection and storage of recyclable materials, whether public or private.

E. Landscaping Plans and Additional Information

(1) Guidelines

The following guidelines shall be used in developing all landscaping plans:

- (a) Plants selected shall be suited to the climate and region as well as the geologic and topographic conditions of the site. Protection and preservation of native plant materials and natural areas are encouraged.
- (b) Water intensive ornamental plant materials shall not exceed ten (10) percent of the total landscaped area.
- (c) Decorative water features should use re-circulating water, when possible.
- (d) When providing for privacy and screening for adjacent land uses, landscaping shall be used with visual, noise and air quality factors considered.
- (e) All plant materials located in snow storage areas shall be selected to withstand the conditions associated with these areas. Additionally, all parking lot landscaping shall be salt tolerant.

(2) Landscape Plan

All landscape plans detailing proposed installation and/or irrigation systems shall be prepared by a Landscape Architect registered in the State of New York or by a landscape designer approved by the Zoning/Code Enforcement Officer. This requirement shall not apply to conceptual landscape plans or Site Plans. Landscaping plans shall be drawn to scale, including dimensions and distances, and shall clearly delineate:

- (a) Plant materials, including trees, shrubs, ground cover, turf and other vegetation, shall be shown clearly on the plan. In addition, plants shall be labeled by botanical name, common name, caliper or container size, spacing and quantities in each group;
- (b) Property lines and street names;
- (c) Streets, driveways, walkways and other paved area;
- (d) Pools and water features, lighting fixtures, fences and retaining walls;
- (e) Existing and proposed buildings and structures, including elevation, if applicable;
- (f) Natural features, including, but not limited to, rock outcroppings, existing plant materials that will be preserved;
- (g) Tree staking, plant installation, soil preparation details and all other applicable planting and installation details;
- (h) Calculation of the total landscaped area;
- (i) Designation of recreation areas, if applicable.

F. Maintenance

All required planting shall be permanently maintained in good condition, and, when necessary, replaced with new plant material to ensure continued compliance with these standards. For the purpose of enforcement, the property owner shall be responsible for maintenance. Maintenance shall include watering, weeding and pruning.

G. Protected Areas During Grading and Construction

During grading and construction, a protected area extending outward to the drip line of each tree shall be provided within which paving, grading, or the storage of dirt, building materials, debris, or any other materials or any other equipment shall not be allowed. Failure to maintain barriers may result in revocation of the building permit.

For projects not requiring a grading permit, the required barriers shall be constructed by the property owner and approved by the Zoning/Code Enforcement Officer prior to issuance of a building permit. Protective barriers shall be maintained until issuance of a Certificate of Occupancy. The Zoning/Code Enforcement Officer may reduce the protected area if they determine a larger area is not necessary to the survival and health of the tree.

§ III.0 Lighting

The following lighting design standards are provided to ensure coordinated, safe and functional lighting systems in each development. The site lighting requirements include:

- A. No use shall produce a strong, dazzling light or reflection of a strong, dazzling light or glare that is visible from any point along a lot line.
- B. Pedestrian areas, plazas and walk lights shall not exceed fifteen (15) feet in height and should be designed to be harmonious with light fixtures on site.
- C. Soft lighting of building faces is encouraged. Building lighting should be indirect in character. Indirect wall lighting or “wall-washing” overhead down lighting or interior illumination that spills outside is encouraged. Architectural lighting should articulate the particular building design and provide required functional lighting for safety and clarity of pedestrian movement.
- D. All light fixtures shall be concealed source fixtures except for pedestrian oriented accent lights.
- E. Security lighting fixtures shall not project above the façade or roofline of any building and are to be shielded. Lighting shields shall be painted to match the surface to which they are attached. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures and are restricted to lighting only loading and storage locations or other similar areas requiring security lighting.
- F. Service-area lighting shall be contained within the service yard boundary. No light spillover shall occur outside the service area; the light source should not be visible from the street.
- G. Exterior wall-mounted floodlights shall be prohibited except for security lighting in enclosed service courtyards.
- H. When possible, overhead wiring should be avoided.

§ 112.0 Off-Street Parking

A. Change in Use or Intensity

- (1) Whenever a use existing on the effective date of this Law is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use, except that when any such existing use was deficient in required parking spaces on such effective date, such new use may be established with a deficiency in required parking spaces equal in number to not more than such preexisting deficiency.
- (2) Whenever the intensity of use of any building, structure or use is increased parking facilities shall be provided for such increase in intensity of use.
- (3) All new or substantially modified development or redevelopment shall submit a report as part of the design review process regarding the potential for and efforts to develop shared or connected parking with adjoining properties as well as shared or combined access from the streets. In no instance shall the proposed site design limit the future potential for shared or connected access and parking between and among adjoining properties.

B. Measurement and Computation

(1) Computation of Required Spaces

- (a) When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half shall require one parking space.
- (b) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facility shall be counted as one seat for the purpose of determining the requirement for off-street parking facilities under this Law.
- (c) When parking spaces are required on the basis of the number of faculty staff, students and employees, the maximum number present at any one time shall govern.

(2) Uses Not Specified

For uses not expressly listed in this Section, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning/Code Enforcement Officer to interpret the provisions of this Law.

C. Required Parking Spaces

For the following uses, the number of off-street parking spaces shall include:

Use	Minimum
RESIDENTIAL	
Single-family detached, semidetached, two-family and attached dwelling	2 per dwelling unit
Multiple Family dwelling	2 per dwelling unit
Senior Housing	Parking Demand Analysis
EDUCATIONAL AND RELIGIOUS	
Day care or nursery	1 per 6 persons enrolled

Use	Minimum
Place of worship	1 per 3 fixed seat
Schools, elementary and intermediate	2 per classroom
School, secondary	1 per 10 students plus 2 per classroom
CULTURAL AND RECREATIONAL	
Amusement Facility	1 per every 5 customers, plus one per employee
Auditorium and Theaters	1 per 4 seats
Bowling alley	2 per lane
Community center	3 per 1,000 SF net floor area
Health clubs and similar facilities	4 per 1,000 SF net floor area
Entertainment	0.5 per allowable occupancy
Library	1 per 1,000 SF net floor area
Museum or art gallery	2 per 1,000 SF net floor area
Private club or lodge	1 per 50 SF net floor area
Skating rink	1 per 1,000 SF of rink area
Stadium or sports arena	1 per 5 seats
Swimming pool	1 per 4 persons design capacity
GOVERNMENT, SAFETY AND HEALTH	
Hospital	1 per 2 beds plus 1 per every 2 employees during largest working shift
Medical clinic, medical office	5 per 1,000 SF net floor area
Nursing home, health-related facility	1 per 3 beds, plus one for every 2 employees during largest working shift
Funeral Home	15 spaces per parlor
MANUFACTURING AND INDUSTRIAL	
All uses	1 per 2 employees
RETAIL	
Food store	6 per 1,000 SF net floor area
Convenience store	1 per 150 SF net floor area
General retail	1 per 250 SF net floor area
Home Occupations	2 for client purposes, 1 per each non-resident employee, plus any dwelling related requirements
Shopping center, planned business development	6 per 1,000 SF net floor area
SERVICES	
Bank	2 per 1,000 SF net floor area
Bed and breakfast	1 per guest bedroom plus 1 for the owner
Beauty parlor, barbershops and the like	1 per chair
Dry Cleaning and Laundromat	2 per 1000 SF net floor area
Hotel and Motel	1 per sleeping unit
Mortuaries and Funeral homes	1 per 100 SF net floor area
Office, professional or business	1 per 200 SF net floor area
Restaurant	1 per every 2 customer seats
VEHICLE RELATED USES	
Automobile Repair	2 per bay, minimum of 6
Motor Vehicle Service Station	1 per every 100 SF net floor area
Vehicle Sales	2 per employee
Vehicle Rental	1 per 1,000 SF net floor area

D. Maximum Number of Parking Spaces

No use shall provide more than one hundred ten (110) percent of any of the above-listed requirements, except through approval of a Special Permit in accordance with Article XIV.

E. Design and Maintenance

Every parking area, parking lot and garage shall be designed, constructed and maintained in accordance with the standards and requirements set forth herein.

(1) Parking - General

- (a) Parking shall be located within one-thousand (1,000) feet of the use served.
- (b) In all District for residential uses, no parking shall be located in the required front yard setback except in a legal driveway that provides access to the rear yard, a detached or attached garage.
- (c) Except in the C-1, C-2 and M-1 Districts, parking shall not be permitted between a building and the sidewalk on the street. Where existing or proposed buildings are set back from the public right of way, the front yard shall not be converted to parking.
- (d) Parking shall not be permitted between a building and the sidewalk on the street. Where existing or proposed buildings are set back from the build-to line, the front yard shall not be converted to parking.
- (e) Vehicular access to parking shall not be located on the principal pedestrian-oriented street unless there is no other practical alternative.
- (f) Customer or employee parking for non-residential uses shall not be located within ten (10) feet of any Residential District or use, except where a solid screening wall at least six feet in height is placed on the lot line, in which case no setback shall be required.
- (g) Parking shall not be located within ten (10) feet of any street frontage, except where a decorative fence or wall of no more than three (3) feet in height is used in conjunction with landscaping.
- (h) When the setback is ten (10) feet or more, an earth berm may be used to screen the parking lot. An earth berm may be credited toward the height required. At all intersections and driveways, screening shall be restricted to a maximum height of two (2) feet and trees shall be maintained to a clearance of seven (7) feet above ground to ensure sight lines remain unobstructed.
- (i) Parking lots and parking areas shall be screened from abutting residential uses and districts with a minimum height of five (5) feet. An earth berm may be credited toward the required height. At all intersections and driveways, screening shall be restricted to a maximum height of two (2) feet and trees shall be maintained to a clearance of seven (7) feet above ground to ensure sight lines remain unobstructed.

(2) Parking Lot Landscaping

- (a) A landscaped area shall have a minimum width of five (5) feet excluding curbs, retaining walls or similar enclosing structures;
- (b) Plant materials located in snow storage areas shall be selected to withstand the conditions associated with these areas.
- (c) All parking lot landscaping shall be salt tolerant.
- (d) Trees located in paved areas shall be provided with adequate tree pits to permit proper watering.
- (e) For lots of fifteen (15) or more spaces, a minimum on one (1) landscaped area with a minimum size of two hundred (200) square feet (approximately 10 x 20) shall be provided for every nine (9) parking spaces and developed as islands within the parking surface area.
- (f) Parking lot stops shall include permanent material, such as concrete, masonry, metal or rubber. In no case shall wooden stops be used.
- (g) All required screening and landscaping shall be maintained and, if required, replaced to comply with the requirements in this Section and any approvals.

(3) Design Standards

- (a) The following minimum standards shall apply to the width and length of required parking spaces.

Type of Parking	Angle	Stall Length	Stall Width	Aisle Width
Traditional	90	19'00"	9'00"	24'00"
Traditional	60	21'00"	9'00"	18'00"
Traditional	45	19'10"	9'00"	13'00"
Handicapped	90	19'00"	13'00"	24'00"
Handicapped	60	21'00"	13'00"	18'00"
Handicapped	45	19'10"	13'00"	13'00"

(4) Ingress and Egress

- (a) Entrances and exits for a parking lot on an alley may be provided if prior approval is obtained in writing from the Town Engineer.
- (b) Every parking garage and parking lot shall be provided with one (1) two-way driveway at least twenty-four (24) feet in width or two (2) one-way driveways, each at least thirteen (13) feet in width.
- (c) When ingress and egress are less than twenty (20) feet in width, marked separate entrances and exits shall be provided so that traffic shall flow in one direction only.

- (5) Maneuvering Space
 - (a) Maneuvering space shall be located completely off the right-of-way of a public street, place or court unless otherwise approved by the appropriate authority.
 - (b) Maneuvering space shall be designed to prevent any vehicles from backing into the public right-of-way except as required off-street parking spaces other than for one- and two-family dwellings.
- (6) Surface
 - (a) Off-street parking lots shall be constructed in such a manner so as to provide an all-weather, durable and dustless surface. Individual stalls shall be clearly identified by markings four to six inches in width.
 - (b) Parking surfaces shall be graded and drained to dispose of all surface water accumulation in the area without shedding additional water on an adjoining property or right-of-way.
 - (c) The use of interior catch basins linked to an approved drainage system shall be used.
 - (d) The Zoning/Code Enforcement Officer shall approve the surface material and drainage system.
- (7) Lighting
 - (a) Illumination shall not be used for the purpose of advertising or attracting attention to the principal use.
 - (b) Lighting fixtures shall be designed, sized and located so as not to cast direct rays of excessive brightness upon adjoining premises or cause glare hazardous to pedestrians or person using adjacent public streets.
 - (c) Parking lots used after sundown shall be lighted to give protection to persons using the lot and the lights shall be directed away from the street and adjoining property.

§ 113.0 Off Street Stacking Requirements

The vehicle stacking standards of this Subsection shall apply:

A. Minimum Number of Spaces

In addition to minimum parking requirements established in this Law, the following stacking or queuing areas are required

Activity Type	Minimum Stacking Spaces Per Lane or Stall	Measured From
Automated teller machine	4	Teller
Bank teller lane	5	Teller or Window
Car wash stall, automatic	10	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Pump Island
Pharmacy	4	Window
Restaurant drive-thru	6	Order Box
Restaurant drive-thru	4	Order Box to Pick-Up Window
Oil Change and Quick Lube	3	Per Bay
Other	Determined by Zoning/Code Enforcement Officer	

B. Design and Layout

Required stacking spaces are subject to the following design and layout standards.

- (1) The size of a stacking or queuing space shall be twenty (20) feet in length by ten (10) feet in width.
- (2) Each lane shall be clearly defined in a manner that is identifiable during all seasons.
- (3) Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.
- (4) Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Zoning/Code Enforcement Officer for traffic movement and safety.

§ 114.0 Outdoor Storage

A. C-1 and C-2 Districts

- (1) Outdoor storage shall not be allowed in the front yard.
- (2) Outdoor storage shall not occupy more than ten (10) percent of the entire lot area.
- (3) All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent Residential Districts.
- (4) Screening shall be of sufficient height and density to completely hide the storage from public view.
- (5) Screening shall be of sufficient height and density to completely hide storage from major highways, rail-lines and other public access ways.
- (6) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.

B. M-1 District

- (1) Outdoor storage shall not be allowed in the front yard setback.
- (2) All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent Residential Districts.
- (3) Screening shall be of sufficient height and density to completely hide the storage from public view.
- (4) Screening shall be of sufficient height and density to completely hide storage from major highways, rail-lines and other public access ways.
- (5) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.

C. Refuse Collection Areas in All Districts

Refuse collection areas for multi-family, commercial and industrial uses shall be subject to the following:

- (1) All refuse collection areas shall be in the side and rear of the buildings.
- (2) All refuse collection areas should be effectively designed to contain all refuse generated on site and deposited between collections. Deposited refuse should not be visible from outside the refuse enclosure.
- (3) Screening shall be of sufficient height and density to completely hide the storage from public view. All screening shall be maintained in such manner as to present a neat and orderly appearance at all times.
- (4) Refuse collection areas should be so located upon the lot as to provide clear and convenient access to refuse collection vehicles.

§ 115.0 Signs

A. Purpose

The purpose of this Section is to provide standards for the regulations of the height, size, location and appearance of signs to:

- (1) Protect and enhance property values and neighborhood character;
- (2) Protect public and private investment in buildings and open spaces;
- (3) Preserve and improve the appearance of the Town of Seneca as a place to live and work and as an attraction to visitors;
- (4) Encourage sound signing practices to aid business and provide information to the public;
- (5) Prevent excessive and confusing sign displays;
- (6) Reduce hazards to motorists and pedestrians;
- (7) Protect the public health, safety and general welfare.

B. Allowed Signs

The following are allowed in any district:

- (1) Customary holiday decorations;
- (2) One (1) prominently displayed building address sign that is pedestrian and automobile-oriented;
- (3) Family name signs, decorative flags, no trespassing and similar signs;
- (4) Traffic control signs;
- (5) No more than two (2) directional and parking signs not exceeding two (2) square feet per face and no taller than three (3) feet high per business;
- (6) Signs, flags or emblems erected and maintained pursuant to any government function;
- (7) Decorative or architectural features of a building, except letters or trademarks;
- (8) Memorial or historic plaques, markers, monuments or tablets;
- (9) Safety signs.

C. Limited Signs

The following signs are limited:

- (1) Three (3) gasoline price signs attached to a gasoline dispenser and not exceeding one (1) square foot per face;
- (2) Up to three (3) political signs not exceeding six (6) square feet per side; all election signs shall be removed within fourteen (14) calendar days following the election;
- (3) Two (2) real estate sign not exceeding six (6) square feet per side;
- (4) When permitted, one (1) non-illuminated home occupation sign attached to the dwelling and less than two (2) square foot in area unless otherwise restricted; and
- (5) One (1) construction or renovation sign, six (6) square feet per side, erected by a contractor, engineer, architect or similar professional or business and removed at the termination of the portion of the project activity.

D. Permitted Permanent Signs – Non-Residential Uses

District	Permitted Signs
AG	One sign not exceeding twenty (20) square feet identifying any building or use permitted under this Law.
R-1 and R-2	1 (one) sign attached not exceeding fifteen (15) square feet in area. A maximum of fifty (50) square feet of signage per lot including:
C-1	<ol style="list-style-type: none"> 1. Attached signs identifying uses or services on the premises that include one half (0.5) square foot in area for every foot of the building frontage; and/or 2. One detached sign located in the front yard not exceeding twenty-five (25) square feet in size per side of sign and posted no more than four (4) feet in height from the finished grade of the lot.
M-1 and C-2	<p>Maximum signage area of ten (10) percent of the primary building façade per lot including:</p> <ol style="list-style-type: none"> 3. Attached signs identifying uses or services on the premises not exceeding 1.0 square foot for every foot of building frontage; and/or 4. One detached sign located in the front yard not exceeding thirty-two (32) square feet in size per side and no more than six (6) feet high from the finished lot grade.

E. Sign Location

- (1) Upon relocation of a business or service for reasons of an unforeseen disaster (example-due to fire), an off-site sign shall be allowed for a period of six (6) months;
- (2) No sign shall be at any location where it interferes with or obstructs the view or free passage of pedestrian or vehicular traffic and shall not be located in the public right-of-way;
- (3) No sign shall be painted, placed or constructed directly on or project from a roof;
- (4) No sign shall be attached to any tree, utility pole or be painted upon or otherwise affixed to any rock, ledge or other natural feature;
- (5) No detached sign shall be closer than twenty five (25) feet to a residential lot line;
- (6) Signs parallel to and attached to a building shall not be set out more than ten (10) inches from the building;
- (7) Any sign that projects from a building over the public way shall be located at least eight (8) feet above the ground.

F. Design Standards

- (1) Signs and awnings should:
 - (a) Relate through their design, size and height to pedestrians and conform to the surrounding character;
 - (b) Not materially obscure architectural features or details of buildings.
- (2) Sign Area
 - (a) The area of signs composed of individual letters without a background shall include the area enclosed by a series of lines joined to form a perimeter bounding all parts of the display including all lettering, logo, graphics and trademarks.
 - (b) The area of an awning or canopy that includes lettering, logo, graphics and trademarks shall be included in calculations for allowed signage;
- (3) Lighting
 - (a) No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, moving lights or other attention attracting devices;
 - (b) Any illuminated sign shall employ only lights emitting a light of constant intensity;
 - (c) Internally lit signs shall be prohibited;

- (4) Neon Signs
 - (a) Neon window signs may be permitted in cases where they are compatible with the building's use, historic and/or architectural character;
 - (b) Neon window signs shall not exceed twenty-five (25) percent of the window;
- (5) Window signs shall not exceed twenty-five (25) percent of the window and shall be included in the calculation of the overall signage allowed for the use;
- (6) If more than one tenant is located in a building, individual signs for each will be allowed to be attached to the building as long as the total signage square footage for the development does not exceed the maximum signage for the district.
- (7) In commercial or industrial buildings or plazas with two (2) or more occupants, a shared sign is required. Kiosk sign structures are encouraged to advertise for these multi-tenant buildings and plazas. Signage included on the kiosk shall follow the standards outlined in these regulations in terms of colors, lettering, etc.
- (8) No sign shall be movable or portable unless defined as a temporary sign.

G. Maintenance of Signs

- (1) Every sign shall at all times be maintained in a safe and structurally sound condition. Signs that do not comply with adequate safety standards shall be removed at the property owner's expense.
- (2) Signs must be regularly maintained including the replacement of worn parts, painting and cleaning.
- (3) The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced.

H. Abandoned Signs

- (1) Except as otherwise provided in this Law, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned;
- (2) Abandoned signs are prohibited and shall be removed by the owner of the sign or owner of the premises.

I. Temporary Signs

Temporary signs that conform to the following shall be allowed under the following conditions.

- (1) Temporary or portable signs shall be used for the following purposes only:
 - (a) New business enterprises;
 - (b) Celebration of the anniversary date of a new business enterprise;
 - (c) Businesses enterprises which have lost the use of an existing sign by reason of fire or other catastrophe; and
 - (d) Limited activities in connection with the principal use or activity.
- (2) Temporary signs may not exceed twenty (20) square feet in size; no more than one temporary sign shall be permitted per business.
- (3) Temporary sign shall be removed within ninety (90) days and will not be renewable for ninety (90) days except that three times per year, for no more than seventy-two (72) hours per occasion.
- (4) Banners, pennants, ribbons may be permitted as a temporary sign.
- (5) Temporary signs shall comply with the location and design standards contained in this Law.

J. Advertising Signs

No off-site signs shall be permitted in the Town of Seneca.

§ 116.0 Site Grading, Cutting and Filling

All site grading shall conform to the following requirements:

- A. Lot grading will be done in such a way as to preserve or enhance the topographic features and to provide positive drainage. All site grading shall be designed to meet the following standards:

	Minimum Slope (percent)	Maximum Slope (percent)
Planting Areas	2	12
Parking Lot Pavement	2	4
Driveways	2	6
Pedestrian Pavements	1	2
Sidewalks	1	5

- B. Where retaining walls are required, they shall be of a material compatible with the building architecture. Wooden retaining walls are prohibited.
- C. Berms, channels, swales, etc. shall be graded in such a way as to be an integral part of the grading and paved surface. Such features shall be designed with smooth vertical transitions between changes in percent slope.
- D. All structures shall be designed so as to minimize the amount of cutting into the embankment, general grading and removal of vegetative cover. This shall generally mean designing a rectangular-shaped structure that can be placed parallel with all contours, and/or designing a cantilevered structure for maximum exposure above the ground.
- E. The location of driveways, walkways and accessory buildings, as well as general grading, shall conform to the same overall objectives stated above.
- F. Terracing, sodding, planting and the construction of retaining walls shall be provided as necessary.

Article XIII. Review Authorities

§ 117.0 Responsibility for Administration

Direct responsibility for the administration and enforcement of the provisions of this Law shall be vested in the Zoning/Code Enforcement Officer, Town Board, Planning Board and Zoning Board of Appeals, all in accordance with the provisions of this Article.

§ 118.0 Town Board

A. Powers and Duties

In addition to the jurisdiction conferred on it by other provisions of the regulations of the Town, the Town Board shall have the following powers and duties.

(1) Text Amendments

The Town Board shall be responsible for reviewing Zoning Law text amendment applications and for taking final action to approve, approve with modifications or deny such applications.

(2) Map Amendments

The Town Board shall be responsible for reviewing map amendment (rezoning) applications and for taking final action to approve, approve with conditions or deny such applications.

(3) Planned Unit Developments

The Town Board shall be responsible for reviewing Planned Unit Development applications and for taking final action to approve, approve with conditions or deny such applications.

§ 119.0 Planning Board

A. Membership

(1) Appointment and Terms

Pursuant to the Town Law applicable thereto, the Town Board shall appoint a Planning Board consisting of seven (7) regular members for the term of seven (7) years set forth in the Town Law. Said members are hereby vested with powers and duties and made subject to the limitations set forth in the Town Law, as the same may be amended, modified or changed from time to time.

(2) Board Composition

Members of the Planning Board shall be residents of the Town of Seneca and shall not be officers or employees of the Town or any of its agencies or departments.

(3) Compensation

Members of the Planning Board shall serve with compensation as determined by the Town Board and shall be entitled, to the extent of available funds appropriated, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

(4) Vacancies

Permanent vacancies on the Planning Board shall be filled by the Town Board.

(5) Mandatory Training

The members of the Planning Board shall be required to attend at least eight (8) hours of training regarding land use issues during their first year on the Board. For each subsequent year, the Planning Board members shall be required to attend four (4) hours of training. All training shall be relevant to the member's powers or duties on the Planning Board and sponsored by the New York Association of Towns, New York Planning Federation, State of New York or any political subdivision thereof, or any session approved by the Planning Board Chairperson.

(6) Removal

Any member of the Planning Board may be removed for cause by the Town Board at any time, provided, however, that before any such removal, such member shall be given an opportunity to respond to allegations of such cause in writing to the Town Board. Cause for removal of a member shall include:

- (a) Any undisclosed or unlawful conflict of interest;
- (b) Any violation of the codes, ordinances or rules applicable to the member's performance of their duties
- (c) Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner;
- (d) Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Town Board to be detrimental to the proper functioning of the Board;
- (e) Members may be removed from the Planning Board if they miss thirty three (33%) percent of the meetings during the course of one (1) calendar year, miss three (3) consecutive meetings or do not meet their mandatory training requirements.

No member that has been removed for cause shall be reappointed.

B. Chairperson and Vice Chairperson

- (1) The members of the Planning Board shall annually elect one (1) of their members as Chairperson, to preside at all meetings and hearings of the full Board and to fulfill the customary functions of that office, and another of their number as Vice Chairperson.
- (2) In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Planning Board.

C. Planning Board Secretary and Public Record

The Planning Board Secretary shall attend all its proceedings and, upon request, the proceedings of any of its Committees.

The Secretary shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board. The Secretary shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

D. Voting Procedures

(1) Quorum

As to any matter requiring a hearing before the Planning Board, no business shall be transacted by the Board without a quorum. The concurring vote of four (4) members shall be necessary for any action by the Board. If less than a quorum is present, the hearing may be adjourned to the next scheduled meeting or to a special meeting as determined by the Board. The Secretary shall notify, in writing, all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

A member absent from any portion of a hearing or meeting shall be qualified to vote at a subsequent hearing or meeting upon the matter heard provided they shall first certify on the record that they have reviewed the entire record of any such portion of the hearing or meeting during which they were absent and have fully informed themselves of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

(2) Deliberation

As to any matter not requiring a hearing, the Planning Board may meet and deliberate at any properly called meeting regardless of the presence of a quorum or may continue consideration of such matter to any later meeting. However, no final action shall be taken on any such matter without a quorum.

E. Meetings, Hearings and Rules of Order

(1) Meetings

Regular meetings of the Planning Board shall be held at the call of the Chairperson or as provided by rule of the Board. Special meetings shall be called by the Chairperson at the request of any three (3) members of the Board or at the request of the Town Board.

(2) Hearings

All meetings and hearings of the Planning Board shall be open to the public. All testimony at any hearing of the Planning Board shall be given under oath.

(3) Rules of Order

The Planning Board shall follow Robert's Rules of Order for parliamentary guide for all meetings of the board. Said rules of order shall consist of roll call, public participation, approval of minutes, communications, old business, new business, report of Committees or assigned delegates and miscellaneous matters.

F. Planning Board By-laws

The Planning Board shall prepare and adopt by-laws from time to time outlining meeting times and related procedures.

G. Record and Decisions

(1) Record

The following shall constitute the record:

- (a) The transcript of testimony, if any;
- (b) The minutes of the Secretary;
- (c) All applications, reports, requests, exhibits and papers filed in any proceeding before the Planning Board; and
- (d) The decision of the Board.

(2) Decisions

The Planning Board may rely on the personal knowledge of its members, testimony during public hearings, on its inspections of the property and on any reports available to it, provided, however, that reliance on such matter shall not be allowed unless the Board shall have made the particular knowledge, inspection or report a matter of record at the public hearing and afforded every party reasonable time to respond to it.

Every decision of the Planning Board upon an application amending this Law, for Cluster Development approval or site plan approval shall be by written resolution which shall set forth the recommendation of the Board or shall approve, approve with conditions or deny approval. Every resolution shall expressly set forth any limitations or conditions imposed on any approval or any development, work or use authorized.

(3) Final Decision

The Planning Board shall take no final or binding vote on any decision pertaining to the aforesaid applications unless it shall first state its findings and conclusions as above required at a meeting open to the public.

(4) Failure to Act

In any case where this Law provides that the failure of the Planning Board to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness.

Where no decision is made by the Planning Board and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.

(5) Notification of Decision

Within five (5) business days following any decision on such applications, the Secretary shall mail notice thereof to each person entitled to such notice and file such decision in the office of the Town Clerk. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.

H. Conflicts

No member of the Planning Board shall participate in the hearing or disposition of any matter in which they have an interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law shall disqualify a member.

I. Appeals

An appeal from any final decision of the Planning Board as to any matter over which it has final authority may be taken within ninety (90) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

J. Jurisdiction and Authority

The Planning Board shall have the following jurisdiction and authority:

- (1) To review and recommend on matters relevant to the Comprehensive Plan.
- (2) Subject to the provisions of Article XIV, to hear, review and offer its recommendations to the Town Board on applications for Planned Development District approval.
- (3) Subject to the provisions of Article XIV, to hear, review and offer its recommendations to the Zoning Board of Appeals for Special Permit approval.
- (4) Subject to the provisions of Article XIV, to hear, review and finally decide applications for Cluster Development approval.
- (5) Subject to the provisions of Article XIV, to hear, review and finally decide applications for Site Plan approval.

§ 120.0 Zoning Board of Appeals

A. Membership

(1) Appointment and Terms

The Zoning Board of Appeals shall consist of seven (7) members appointed by the Town Board.

Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years one for the term of five years, one for the term of six years and one for the term of seven (7) years from and after his/her appointment. Their successors shall be appointed for the term of seven (7) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment of the unexpired term.

(2) Board Composition

Members of the Zoning Board of Appeals shall be residents of the Town of Seneca and shall not be officers or employees of the Town or any of its agencies or departments.

(3) Compensation

Members of the Zoning Board of Appeals shall serve without compensation but shall be entitled, to the extent of available funds appropriated, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

(4) Vacancies

Permanent vacancies on the Zoning Board of Appeals shall be filled by the Town Board, in the same manner as other appointments hereunder.

(5) Mandatory Training

The members of the Zoning Board of Appeals shall be required to attend at least eight (8) hours of training regarding land use issues during their initial term on the Board. For each subsequent term, the Zoning Board members shall be required to attend four hours of training. All training shall be relevant to the member's powers or duties on the Zoning Board of Appeals and sponsored by the New York Association of Towns, New York Planning Federation, State of New York or any political subdivision thereof, or any session approved by the Zoning Board Chairperson.

(6) Removal

Any member of the Zoning Board of Appeals may be removed for cause by the Town Board at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing. Cause for removal of a member shall include:

- (a) Any undisclosed or unlawful conflict of interest;
- (b) Any violation of the codes, ordinances or rules applicable to the member's performance of their duties;
- (c) Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner;
- (d) Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Town Board to be detrimental to the proper functioning of the Board.
- (e) Members may be removed from the Zoning Board of Appeals if they miss thirty three (33%) percent of the meetings during the course of one (1) calendar year, miss three (3) consecutive meetings or do not meet their mandatory training requirements.

No member that has been removed for cause shall be reappointed.

B. Chairperson and Vice Chairperson

- (1) The Town Board shall annually appoint one (1) of the members of the Zoning Board of Appeals as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office. The members of the Zoning Board of Appeals shall annually elect one (1) of their members as Vice-Chairperson.
- (2) In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Board.

C. Secretary and Public Record

The Secretary of the Zoning Board of Appeals shall attend all its proceedings and, upon request, the proceedings of any of its Committees.

The Secretary shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board. The Secretary shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

D. Voting Procedures

As to any matter requiring a hearing before the Zoning Board of Appeals, no business shall be transacted by the Board without a quorum. The concurring vote of four (4) members shall be necessary for any action by the Board. If less than a quorum is present, the hearing may be adjourned to the next scheduled meeting or to a special meeting as determined by the Board. The Secretary shall notify in writing all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

A member absent from any portion of a hearing or meeting shall be qualified to vote at a subsequent hearing or meeting upon the matter heard provided they shall first certify on the record that they have reviewed the entire record of any such portion of the hearing or meeting during which they were absent and have fully informed themselves of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

E. Meetings, Hearings and Rules of Order

(1) Meetings

Regular meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or as provided by rule of the Board. Special meetings shall be called by the Chairperson.

(2) Hearings

All meetings and hearings of the Zoning Board of Appeals shall be open to the public.

(3) Rules of Order

The Zoning Board of Appeals shall follow Robert's Rules of Order for parliamentary guide for all meetings of the Board. Said rules of order shall consist of roll call, public participation, approval of minutes, communications, old business, new business, report of Committees or assigned delegates and miscellaneous matters.

F. Zoning Board of Appeals By-laws

The Zoning Board of Appeals shall prepare and adopt by-laws from time to time outlining meeting times and related procedures.

G. Record and Decisions

(1) Record

The following shall constitute the record:

- (a) The transcript of testimony, if any;
- (b) The minutes of the Secretary;
- (c) All applications, reports, requests, exhibits and papers filed in any proceeding before the Zoning Board of Appeals; and
- (d) The decision of the Board.

(2) Decisions

The Board may rely on the personal knowledge of its members, testimony at the public hearing, on its inspections of the property and on any reports available to it, provided, however, that reliance on such matter shall not be allowed unless the Board shall have made the particular knowledge, inspection or report a matter of record at the public hearing and afforded every party reasonable time to respond to it.

Every decision of the Zoning Board of Appeals shall be by resolution and shall expressly set forth any limitations or conditions imposed on any relief approved or work or use authorized.

(3) Final Action

In taking final action, the Zoning Board of Appeals shall first state its findings and conclusions at a meeting open to the public and shall, in addition, state the special circumstances warranting such action.

(4) Failure to Act

In any case where this Law provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness.

Where no decision is made by the Zoning Board of Appeals and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.

(5) Notification of Decision

Within five (5) business days following any decision of the Zoning Board of Appeals, the Secretary shall mail notice thereof to each person entitled to such notice and file such decision in the office of the Town Clerk. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.

H. Conflicts

No member of the Zoning Board of Appeals shall participate in the hearing or disposition of any matter in which they are interested. Any conflict of interest prohibited by Article 18 of the General Municipal Law shall disqualify a member.

I. Appeals

An appeal from any final decision of the Zoning Board of Appeals may be taken within ninety (90) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

J. Jurisdiction and Authority

The Zoning Board of Appeals shall have the following jurisdiction and authority:

- (1) Subject to the provisions of Article XIV hereof, to hear and decide appeals from, and review orders, decisions or determinations made by the Zoning/Code Enforcement Officer.
- (2) Subject to the provisions of Article XIV hereof, to approve or deny Variances from the requirements of this Law.
- (3) Subject to the provisions of Article XIV, to hear, review and finally decide applications for Special Permit approval.

§ 121.0 Zoning/Code Enforcement Officer

A. Powers and Duties

The Zoning/Code Enforcement Officer shall have the following powers and duties:

- (1) Submit a monthly report to the Town Board listing all applications received, inspections made, referrals and action taken on each. Copies of this report shall be transmitted to the Board of Appeals and Planning Board at the same time.
- (2) Maintain a permanent and current record of all applications for Zoning, Site Plan and Special Permits certificates, his/her action upon the same, any conditions relating thereto, and any other matters considered and action taken by him. Such records shall form a part of the records of his/her office and shall be available for use by Town officials and for inspection by the public.
- (3) Cause any plans, buildings or premises to be examined or inspected to determine compliance with the provisions of this Law. In the fulfillment of these duties, they shall be authorized to enter any premise or building at a reasonable time to determine whether or not the same is in violation of this Law.
- (4) Issue Zoning, Site Plan and Special Permits certificates to all applicants who fully comply with the provisions of this Law.
- (5) Provide the Zoning Board of Appeals, in writing, with all facts pertaining to the refusal to issue zoning permits and certificates when such information is requested by the Board.
- (6) For denied zoning permits provide, in writing, the specific reasons for denial and instruct the applicant on the proper methods to apply for relief.
- (7) Maintain a current list and/or a map of nonconforming uses to determine if discontinuance or destruction, or change in use or vacancy has taken place.
- (8) Maintain a current list and/or a map showing the Variances or Special Permits issued by the Zoning Board of Appeals to determine if the conditions and safeguards placed on Variances and Special Permits are being complied with.

- (9) For violations of this Law:
 - (a) Notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action to correct it.
 - (b) Order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations or structural changes; stop work or discontinuance of any illegal work being done; or
 - (c) Take any other action authorized by this Law to ensure compliance with or to prevent violation of its provisions.

On the serving of the notice by the Zoning/Code Enforcement Officer to the owner of any property in violation of any of the provisions of this Law, the certificate of zoning compliance for such building or use shall be held null and void. A new certificate of zoning compliance shall be required for any further use of such building or premises.
- (10) Issue appearance tickets pursuant to § 150.20 of the New York State Criminal Procedure Law.

Article XIV. Procedures

§ 122.0 Common Review Procedures

A. Initiation of Application

A property owner, or its duly authorized agent, or other persons having a contractual interest shall make an application required under this Law for the subject property.

B. Compliance Required

No application for Site Plan Review, Planned Unit Development, Cluster Development, Special Permit and Variances shall be considered where there are existing violations or delinquent real estate Town taxes assessed against the subject property, except where such application is intended to cure the violations.

Additionally, proof that all local, state and federal regulations and permits have been complied with or obtained shall be submitted as part of the application.

C. Simultaneous Processing

Whenever two or more forms of review and approval are required under this Law, applications for those development approvals may be processed simultaneously.

D. Application Forms and Application Filing Fees

Applications required under this Article shall be submitted in a form and in such numbers as required by the Zoning/Code Enforcement Officer. Applications shall be accompanied by the fee amount that shall be established by the Town Board from time to time. Application fees are nonrefundable, unless otherwise expressly stated. The Zoning/Code Enforcement Officer shall have the authority to waive application requirements that are not applicable to a specific project.

E. Application Completeness

An application shall be considered complete if submitted in the required form, includes all mandatory information, including all exhibits and is accompanied by the applicable fee. A determination of application completeness shall be made within five (5) business days by the Zoning/Code Enforcement Officer.

If an application is determined to be incomplete, the Zoning/Code Enforcement Officer shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur and no public hearings shall be scheduled until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within thirty (30) days, the application shall be considered withdrawn and the application shall be returned to the applicant.

F. Referral to Ontario County Planning Department

Applications subject to General Municipal Law §239 shall be referred to the Planning Department at Ontario County in accordance with the provisions of General Municipal Law §239.

G. Notification for Public Hearings

(1) Public Hearings shall be required for the following:

- (a) Zoning Map or Zoning Text Amendments by Town Board;
- (b) Agricultural Planned Unit Development or Planned Development District Designation by Town Board;
- (c) Special Permit by the Zoning Board of Appeals;
- (d) Variances by the Zoning Board of Appeals.

(2) Setting Hearing

For all matters properly brought before the Town Board, Planning Board or Zoning Board of Appeals for which a public hearing is required by this Law, the body charged with conducting the hearing shall, upon receipt of a completed application, select a reasonable time and place for such hearing, provided, however, that such time shall be not later than sixty-two (62) days following the submission of the subject application, unless the applicant shall agree to some later time.

(3) Mailed Notices

The Board Secretary shall be required to mail the appropriate notices for public hearings. Where notice by mail is required, it shall be given at least seven (7) days in advance of the hearing date by regular US mail.

(4) Published Notice

Where published notice is required, it shall be placed in an official paper or a newspaper of general circulation in the Town at least once, not less than seven (7) days before the date of the hearing. The published notice shall include:

- (a) The general location of land that is the subject of the application;
- (b) The legal description or street address;
- (c) The substance of the application, including the magnitude of proposed development and the current zoning district;
- (d) The time, date and location of the Public Hearing;
- (e) A phone number to contact the Town; and
- (f) A statement that interested parties may appear at the Public Hearing.

H. Filing of Approvals

The Town of Seneca Zoning/Code Enforcement Officer shall file all applicable restrictions and other conditions as approved by the Planning Board, Town Board or Zoning Board of Appeals as outlined in the Town of Seneca Subdivision Ordinance or other applicable regulations. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the approval shall provide that they may not be modified, removed or released without the express consent of the Town Board and shall provide that they may be enforced by the Town of Seneca. All filing fees and expenses are the responsibility of the applicant.

§ 123.0 Procedures Approved by the Town Board

A. PUD Designation

(1) Authority

The Zoning District Map may be amended from time to time, by Law duly enacted by the Town Board, to provide for Agricultural Planned Unit Development Districts or Planned Unit Development Districts, provided, however, that no such amendment shall be enacted except in accordance with procedures herein established and the applicable standards and regulations established by Article X.

(2) Purpose

The provisions of this Section establish special procedures for amending this Law to permit the mapping of PUD Districts. The procedures herein established are intended to substitute procedural protections for substantive regulations in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of developed and stable areas, may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas which lend themselves to an individual, planned approach and, in some cases, the conservation of open space.

(3) Requirements

PUD Districts shall achieve the following objectives:

- (a) An alternative development pattern in harmony with the objectives of various Town and regional land use, conservation and development plans.
- (b) A creative use of land and related physical development allowing for the conservation of prime agricultural lands.
- (c) Diversification in the uses permitted and variation in the relationship of uses, structures and open spaces in developments conceived as cohesive, unified projects.
- (d) Unique standards for site and building design.
- (e) The preservation and enhancement of desirable site characteristics, such as open space, natural topography, geologic features and the prevention of soil erosion.

(4) Procedure

(a) Conceptual Development Plan Approval (Optional)

The applicant has the option to discuss the proposal with the Zoning/Code Enforcement Officer and/or Planning Board by submitting a Conceptual Development Plan. The following outlines the Conceptual Development Plan Approval process.

- (i) The Plan should include the following information: proposed uses, vehicular and pedestrian circulation system, building placement, existing and proposed utilities, drainage and proposed private and public open space.
- (ii) The Plan will be reviewed by the Zoning/Code Enforcement Officer and Planning Board, as appropriate.
- (iii) The Conceptual Plan review will be placed on the Planning Board's agenda at their regularly scheduled meeting to discuss the review process and offer recommendations for the Plan.
- (iv) The applicant may, at its option, submit the Preliminary Development Plan in lieu of a less detailed Conceptual Development Plan with the submission of the Planned Unit Development District application. In such case, the applicant shall comply with all provisions of this Law applicable to submission of the Preliminary Development Plan and to submission of the Final Development Plan.
- (v) The Planning Board may offer recommendations and suggestions on potential issues and alterations that should be considered by the applicant. The applicant can use this information in preparing the Preliminary Development Plan as part of the application process.

(b) Preliminary Development Plan Approval

The Preliminary Development Plan offers the applicant the opportunity to provide preliminary details to the Planning Board on the design and layout of the project. By providing the preliminary site layout, circulation patterns, densities, setbacks and other proposed regulations, the applicant will have the opportunity to discuss and amend the Preliminary Development Plan before finalizing the PUD District.

(i) Submission of Preliminary Development Plan

(A) The applicant shall provide a Preliminary Development Plan showing, in more detail, the development proposal for the Planned Unit Development District. As part of the Preliminary Development Plan, an application for rezoning the property shall be submitted to the Town Board as outlined in Article X;

(B) The Preliminary Development Plan shall include, in detail, the following:

- i. The location of: Specific land uses within the PUD District, Vehicular and pedestrian circulation systems, Extent of public and private open space, Extent of utility systems, Residential and non-residential structures;
- ii. Proposed Phasing Plan for the Project.
- iii. The overall maximum density of residential uses and intensity of nonresidential uses;
- iv. The existing and proposed ownership and management of the Planned Unit Development District including the buildings, landscaped areas and open spaces.

- (ii) Action by Planning Board
 - (A) The Planning Board shall review and study the Preliminary Development Plan and consider the comments of other agencies. Attention will be given to the arrangement of uses and buildings, the relationship to the topography of the land, other factors such as vegetation, wetlands, floodplains, sewage disposal, drainage, water needs, trip generation, recreation/open space areas and such concerns as may be appropriate.
 - (B) Within thirty (30) days of receiving the Preliminary Development Plan application, the Planning Board shall make its recommendations on the Preliminary Development Plan. The recommendation can include one of the following:
 - i. Approve the plans as submitted;
 - ii. Approve the preliminary plans with condition - The Planning Board may impose changes or conditions, which shall be incorporated into the final plans;
 - iii. Disapprove of the plans - In the event of disapproval of the preliminary PUD plans, the Planning Board shall state its reasons for opposition in writing.
 - (C) The failure of the Planning Board to act within thirty (30) days, or such longer period as may be agreed to by the applicant, shall be deemed a recommendation for denial of the Preliminary Development Plan as submitted.
 - (D) The Planning Board shall transmit its recommendation to the Town Board for consideration in the rezoning application made as part of the Preliminary Development Plan application for the property.

- (iii) Action by Town Board
 - (A) Within forty (40) days following the receipt by the Town Board of the report of the Planning Board, or its failure to act as above provided, the Town Board shall conduct a public hearing on the Preliminary Development Plan and rezoning application.
 - (B) Within thirty (30) days of conclusion of the public hearing, the Town Board shall:
 - i. By ordinance duly adopted, approve the Preliminary Development Plan, with or without modifications to be accepted by the applicants as a condition of such approval, and amend the Zoning Map of the Town to designate the area included in the approved plan as "Planned Unit Development District Number XXX" ; or
 - ii. Refer it back to the Planning Board for further consideration of specified matters; or
 - iii. Deny the Preliminary Development Plan.
 - (C) In the event that the Town Board, prior to the expiration of the time limit herein specified for its refusal or adoption of the proposed amendment, requests further information from the Applicant, the time limit for its refusal or adoption or adoption of the proposed amendment shall be extended to sixty (60) days.
 - (D) In the event that the Town Board shall fail to act within the time limit herein specified, the Preliminary Development Plan shall be deemed finally denied.
 - (E) Within ten (10) business days of the Town Board's action, or its failure to act as above provided, the Zoning/Code Enforcement Officer shall:
 - i. Mail notice of the decision to all parties entitled;
 - ii. File a copy of the entire Preliminary Development Plan in the permanent records of the Zoning/Code Enforcement Officer;
 - iii. File the Preliminary Development Plan with the Town Clerk.
 - (F) If the Preliminary Development Plan is approved with conditions, the Zoning Map shall not be amended until the applicant has filed with the Zoning/Code Enforcement Officer written consent to such conditions.

- (G) In the event that a Preliminary Development Plan is approved, or approved with conditions acceptable to the applicant, no development shall be permitted unless and until a Final Development Plan has been submitted and approved in accordance with the provisions of this Law.
 - (H) Unless the applicant fails to proceed with development in accordance with the Preliminary Development Plan as approved or fails to comply with any condition of this Law or any approval pursuant to it, a Preliminary Development Plan which has been approved, or approved with conditions which have been accepted by the applicant, shall not be modified, revoked or otherwise impaired by any action of the Town without the consent of the applicant.
- (c) Final Development Plan Approval

The Final Development Plan incorporates the specific conditions outlined during the Preliminary Development Plan approval process. Inclusion of the approval conditions will allow the project to move forward in a timely manner; the application process includes a mechanism to streamline the approval so the project can move forward.

 - (i) All Final Development Plan approvals shall require Site Plan Approval as set forth in Article XIV describing Site Plan Review.
 - (ii) If the Planning Board finds substantial conformity and finds the Final Development Plan to be in all other respects complete and in compliance with any conditions imposed by approval of the Preliminary Development Plan, the Planning Board shall approve the Final Development Plan. A Final Development Plan shall be deemed not to be in substantial conformity with an approved Preliminary Development Plan if it:
 - (A) Exceeds by more than ten (10) percent the maximum parking, height, lot coverage, yard requirements or changes in land use percentages (besides arrangement of land use), approved for the Planned Unit Development District;
 - (B) Changes in housing type;
 - (C) Reduction in open space;
 - (D) Decreases by more than ten (10) percent the area approved for public and private open space or significantly changes the general location of such areas;

- (E) Substantially relocates approved public circulation elements to any extent that would significantly decrease their functionality; adversely affect their relation to surrounding lands and circulation elements; or significantly reduce their effectiveness as buffers or amenities;
 - (F) Significantly alters the arrangement of land uses within the Planned Unit Development District;
 - (G) Provides for uses not included in the approved Preliminary Development Plan; or
 - (H) Exceeds the maximum density for residential uses, as approved on the Preliminary Plan, and the maximum floor area ratio for nonresidential uses.
- (iii) Any changes to the Proposed Phasing Plan submitted with the Preliminary Plan shall be submitted with the Final Development Plan.
 - (iv) At any time following the approval of a Final Development Plan, the applicant may, pursuant to and subject to the limitations of the applicable codes and ordinances of the Town, apply for and receive grading permits and approvals necessary for the installation of utilities and streets within the area of the Planned Unit Development District for which Final Development Plan approval has been given.
 - (v) If expressly authorized by the approval of the Final Development Plan, the applicant may, pursuant to and subject to the limitations of the applicable codes and ordinances of the Town, apply for and receive Building Permits for model buildings – residential or commercial – that would be used for the express purpose of showing typical structures to be developed in the PUD. These buildings can only be constructed within the area of the Planned Unit Development District as approved and upon issuance of a Building Permit.

(d) Site Development Plan Approval

The Site Development Plan is the complete, thorough and permanent public record of any Planned Unit Development District on the property. The Site Development Plan shall incorporate all prior approved plans and all approved conditions thereof resulting from the Planned Unit Development District process. The Site Development Plan is essentially a clerical step in the Planned Unit Development District approval process. Upon final approval, the Site Development Plan shall serve in lieu of other provisions of this Law as the use, space and bulk, yard and parking regulations applicable to the Planned Unit Development District.

(i) Action by the Zoning/Code Enforcement Officer

- (A) Within six (6) months of approval of the Final Development Plan, or a time frame agreed to by the Planning Board and the applicant, shall make application for appropriate Building Permits for the Planned Unit Development.
- (B) Within six (6) months of approval of the Final Development Plan, or a time frame agreed to by the Planning Board and the applicant shall submit an application for Site Development Plan approval to the Zoning/Code Enforcement Officer. The Site Development Plan may include the entire area included in the approved Final Development Plan or one or more stages or units thereof. The Site Development Plan shall add necessary detail to, and put in final form, the information contained in and shall conform to the approved Final Development Plan in all respects.
- (C) Within sixty (60) days following the submission of the Site Development Plan, or such longer period as may be agreed to by the applicant, the Zoning/Code Enforcement Officer shall:
 - i. Review the plan with respect to its conformity to the approved Final Development Plan;
 - ii. Ensure its compliance with any conditions imposed by the approval of the Final Development Plan;
 - iii. Ensure conformity with the provisions of this Law and all other applicable federal, state and Town codes, ordinances and regulations.

- (D) The Zoning/Code Enforcement Officer shall take one of the following actions:
- i. Accept the Site Development Plan;
 - ii. If additional information is required, the Zoning/Code Enforcement Officer shall inform the applicant of any deficiencies in the plan and allow the applicant an opportunity to remedy such deficiencies. In the event that the applicant should fail or refuse to remedy such deficiencies, the Zoning/Code Enforcement Officer shall forward the plan to the Planning Board for further review and/or amendment.
 - iii. If the Board disapproves the Site Development Plan, the applicant may seek an amendment to the Final Development Plan pursuant to the procedure set forth above for approval of a Final Development Plan or pursue any other remedies permitted by law.
- (E) Within ten (10) business days following the final disposition of an application for Site Development Plan approval, the Zoning/Code Enforcement Officer shall:
- i. Mail notice to the applicant;
 - ii. Mail notice to all Town officials, departments, boards and commissions whose duties might be affected by such disposition.
 - iii. File a copy of the entire Site Development Plan in the permanent records of the Zoning/Code Enforcement Officer;
 - iv. File the Site Development Plan with the Town Clerk.

(ii) Adjustments to Plan During Development

During the development of an approved final plan, the Zoning/Code Enforcement Officer may authorize minor adjustments to the final plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

- (A) Altering the location of any one structure or group of structures by not more than 10 feet or one-tenth (0.1) of the distance shown on the final plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the PUD, whichever is less.

- (B) Altering the location of any circulation element by not more than ten (10) feet or one-tenth (0.1) of the distance shown on the final plan between such circulation element or any structure, whichever is less.
- (C) Altering the boundary of any open space by not more than fifty (50) feet, provided that the total amount of open space is not reduced by more than five (5) percent.
- (D) Reducing the yard area or open space associated with any single structure by not more than five (5) percent.
- (E) Altering any final grade by not more than ten (10) percent of the originally planned grade.

(e) Amendments to Final Plan

In addition to the adjustments authorized by the Zoning/Code Enforcement Officer, an approved final plan may be amended or varied by submitting a new site plan to the Zoning/Code Enforcement Officer. The process for Final Plan Approval shall be followed for all amendments. In the case that the adjustments exceed the thresholds established for the Zoning/Code Enforcement Officer, the Development Concept Plan Approval process shall be followed.

(i) Enforcement

- (A) If the Zoning/Code Enforcement Officer finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD as finally approved, they shall immediately notify the Town Board of such fact and issue an order stopping any or all work on the PUD until such time as any noncompliance is cured.
- (B) Within sixty (60) days of such notice, the Town Board shall either revoke, by Law, the final plan approval and direct the Zoning/Code Enforcement Officer to initiate appropriate amendment procedures to return the affected area of the PUD to an appropriate zoning classification; or shall take such steps as it shall deem necessary to compel compliance with the final plan as approved; or shall require the owner or applicant to seek an amendment of the final plan. In addition, such documents shall require time expiration and reverter language to remedy non-performance.

(5) Limitations to Approvals

Within six (6) months after the approval of a detailed plan, a final plan shall be submitted to the Planning Board. Failure to submit the final plan will render the detailed plan void.

Within one (1) year after the approval of a final plan, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted, automatically render void the final plan and detailed plan approval and all permits based on such approvals. In addition, such documents shall require time expiration and reverter language to remedy non-performance.

(6) Appeal

- (a) Appeals of a decision by the Planning Board on a detailed development plan shall be taken to the Zoning Board of Appeals within thirty (30) days of the decision.
- (b) An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the PUD may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

B. Zoning Text and Map Amendments (Rezoning)

(1) Authority

This Law and the Zoning District Map may be amended from time to time by Law enacted by the Town Board, provided, however, that no such amendment shall be enacted except in accordance with the procedures set out in this Section.

(2) Purpose

The Amendment process herein established is intended to provide a means for making changes in the text of this Law and in the Zoning District Map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights but is intended as a tool to adjust the provisions of this Law and the Zoning Map in light of changing, newly discovered or newly important conditions, situations or knowledge.

(3) Procedure

(a) Proposal by the Town

Amendments may be proposed by either the Supervisor, Town Board, the Planning Board or the Zoning Board of Appeals by transmitting such proposal, together with such supporting materials as may seem appropriate, to the Zoning/Code Enforcement Officer for processing in accordance with the provisions of this Section.

(b) Application by Owner

When any proposed amendment is initiated by an owner of, or other person having a contractual interest in, real estate to be affected by the proposed amendment, or by the owners of fifty (50) percent or more of the frontage of real estate to be affected by the proposed amendment, the application for such amendment, addressed to the Town Board, shall be filed with the Zoning/Code Enforcement Officer. The Zoning/Code Enforcement Officer may also request such other and further information and documentation deemed necessary or appropriate to a full and proper consideration and disposition of the particular application.

- (c) Action by Planning Board
 - (i) Within thirty (30) days following the receipt of the application, the Planning Board shall transmit their recommendation to the Town Board.
 - (ii) The failure of the Planning Board to act within thirty (30) days shall be deemed a recommendation for the approval of the proposed amendment as submitted.
 - (iii) In making recommendations regarding amendments to the text of the Zoning Law or to the Official Zoning Map, the Planning Board shall consider and make findings on the following matters regarding the proposed amendment:
 - (A) Consistency with the Town's Comprehensive Plan and any other adopted special area plans.
 - (B) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
 - (C) Suitability of uses proposed by the zoning amendment for the property affected by the amendment.
 - (D) Availability of public services and infrastructure generally suitable and adequate for uses allowed within the proposed district.
- (d) Public Hearing

A public hearing shall be set, advertised and conducted by the Town Board in accordance with §122.0.
- (e) Action by Town Board
 - (i) The Town Board shall either refuse the application or adopt the proposed amendment, with or without modifications.
 - (ii) Within five (5) business days of such action, the Town Clerk shall mail notice of the decision to all parties entitled thereto.

§ 124.0 Procedures Approved by the Planning Board

A. Cluster Development

(1) Authority

The Planning Board of the Town of Seneca may, as a matter of its original jurisdiction and subject to the procedures, standards and limitations hereinafter set out, may permit, simultaneously with the approval of a subdivision plat, deviations from the zoning requirements established by this Law governing the average density of population permitted in the zoning district where such land lies.

(2) Purpose

Cluster Development procedures are established to provide an administratively uncomplicated method to permit minor modifications of the yard, bulk and space requirements, other than minimum open space requirements, minimum lot area per unit and per bedroom requirements and lot coverage requirements, applicable in the various districts established by this Law. Cluster Development permits the grouping of structures in order to plan more usable open space or to preserve open space or historic or scenic features without exceeding overall density or land coverage requirements.

(3) Cluster Development Standards

(a) Authorized Uses

No use shall be authorized by a Cluster Development permit except uses permitted or permissible in the district in which such development is to be located. Approval of a Cluster Development for a use requiring any special approval shall not excuse the requirement of obtaining such special approval.

(b) Density and Coverage

No permit for a Cluster Development shall authorize any increase in the overall density or intensity of development nor any increase in the overall lot coverage permitted by the district regulations applicable in the district in which such development is to be located. All land devoted to private street purposes shall be excluded from density, intensity and lot coverage calculations.

(c) Approval Criteria

A permit for a Cluster Development shall be granted only if evidence is presented which establishes:

- (i) That the proposed development will be in harmony with the general purpose, goals, objectives, standards and implementing strategies of the Comprehensive Plan and this Law.
- (ii) That the proposed building or use complies with all applicable regulations of this Law except as modified pursuant to the authority of this Section.
- (iii) That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
- (iv) That the proposed Cluster Development will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations.
- (v) That the proposed Cluster Development will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (vi) That the proposed Cluster Development will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.

(4) Procedure

(a) Application

An application for Cluster Development shall be submitted in a form and in such numbers as required by the Zoning/Code Enforcement Officer. A nonrefundable fee, as established from time to time by the Town Board to help defray administrative costs, shall accompany each application. The Zoning/Code Enforcement Officer may also request such other and further information and documentation deemed necessary or appropriate to a full and proper consideration and disposition of the particular application.

(b) Action by Planning Board

- (i) Within sixty-two (62) days following the conclusion of the public hearing, the Planning Board shall render its decision either granting the application for Cluster Development approval; granting it subject to conditions as specified below; or denying the application. The failure of the Board to act within sixty-two (62) days, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the application.
- (ii) Within ten (10) business days of such decision or the expiration of such period, the Zoning/Code Enforcement Officer shall mail notice of such decision or failure to act to all parties entitled thereto as provided by §112.0; file such decision in the office of the Town Clerk; and, in the event that a Cluster Development permit is authorized, the Zoning/Code Enforcement Officer shall issue such permit, listing therein any and all conditions imposed by the Planning Board.

(c) Amendments to Cluster Developments

An approved Cluster Development may be amended in the same manner and subject to the same limitations as any other regulation established by this Law, except that Site Plan Review and approval pursuant to this Law shall be required in connection with any such proposed amendment.

(5) Effect of Issuance of Approval

(a) Amendment to Regulations

The issuance of a permit for a Cluster Development shall, upon the filing of a plat of such development with the Ontario County Clerk, constitute an amendment of the bulk, space and yard regulations of this Law applicable to such development, and thereafter such plat shall constitute the bulk, space and yard regulations applicable to such development.

(b) No Development or Construction Authorized

However, the issuance of a permit for a Cluster Development shall not authorize the establishment or expansion of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the Town, including, but not limited to, a permit for a Special Permit, a Certificate of Zoning Compliance and a building permit.

(6) Limitation on Cluster Development

A Cluster Development approval shall become null and void six (6) months after the date on which it was issued unless a building permit is obtained and maintained. If a building permit has not been obtained within six months of the date of approval, the approval shall lapse and be of no further effect.

(7) Appeal

- (a) Appeals of Cluster Development decisions made by the Planning Board shall be made to the Zoning Board of Appeals within thirty (30) days of the decision.
- (b) An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the Cluster Development may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

B. Site Plan Review

(1) Authority

Subject to the procedures, standards and limitation set forth in this Law, the Planning Board shall review and approve, approve with conditions or deny applications for Site Plans.

(2) Purpose

The Site Plan Review process recognizes that some developments and uses, even though generally suitable for location in a particular district, are, because of their design (materials, size, details), character, nature, complexity or other indicia of probable impact, capable of adversely affecting the goals for which this Law is established unless careful consideration has been given to critical design elements. It is the purpose of this Section to provide a vehicle for the review of the applicant's attention to such elements.

(3) Site Plan Review Standards

Site Plan Review in accordance with this Section shall be required in the following cases with the exception of accessory structures not changing land use or density, and projects involving no site or external structure alterations. Site Plan Review shall be required for any development or redevelopment, as specifically listed in this Law, that includes construction, enlargement or addition to any building or site preparation for a site or use that does not include or require a building as outlined in this Section.

(4) Procedure

(a) Application

Applications for Site Plans shall be submitted in a form and in such numbers as required by the Zoning/Code Enforcement Officer. A nonrefundable fee, as established from time to time by the Town Board to help defray administrative costs, shall accompany each application. The Zoning/Code Enforcement Officer may also request such other and further information and documentation deemed necessary or appropriate to a full and proper consideration and disposition of the particular application.

(b) Action by Planning Board

- (i) Within thirty (30) days following receipt by the Planning Board of a completed application or such longer time as may be agreed to by the applicant, the Planning Board shall cause such application and the attached plans to be reviewed for compliance with this Law and shall render a decision.
- (ii) Immediately upon concluding the review of the application, the Planning Board shall return one (1) copy of the applicant's plans marked to show either approval, approval subject to further specified approvals, approvals with conditions or denial. All conditions shall be clearly and permanently marked on such plans.

(c) Approval or Denial

The Planning Board will issue a final decision on each major Site Plan based on the recommendation of the Zoning/Code Enforcement Officer. The decision of the Planning Board shall be final and could include:

- (i) Approve the application;
- (ii) Approve the application with conditions; or
- (iii) On the basis of such findings, decline to approve the application.

In any case where an application is denied, the Planning Board shall state the specific reasons and shall cite the specific provisions of this Law upon which such denial is based.

The Planning Board shall stamp each copy of the application and plans to reflect the action taken and shall return one (1) copy of each to the applicant and shall retain one (1) copy of each in Town records for such period as they may deem necessary or as may be required by law.

(5) Letters of Credit

- (a) Each applicant shall be required to provide evidence of the financing plan that the applicant proposes to use to complete the proposed project, which may include a letter of credit, or similar security acceptable to the Town. The letter of credit in favor of the Town of Seneca for the estimated cost of required site improvements shall be unconditional and irrevocable for a period of not to exceed two (2) years. The agreement shall also be irrevocable for a period of two (2) years and shall permit the Town of Seneca to enter the subject property and to install such improvements if the applicant fails to do so within the period of time specified in the agreement.
- (b) Such letter of credit or similar security, and the agreement, each in a form satisfactory to the Planning Board, shall be submitted prior to obtaining a building permit as a condition of Site Plan approval.
- (c) Should the applicant fail to perform the required site improvements within the agreed period of time, the Zoning/Code Enforcement Officer shall issue a written notice of such failure to the applicant. It shall be sufficient service of such notice if it is mailed to the applicant at the address provided by him in the site plan application. If the applicant fails to perform the required site improvements within fifteen (15) business days of the issuance of such notice, the Zoning/Code Enforcement Officer is authorized to draw upon the letter of credit or to access any other offered security as may be necessary to cover the costs to the Town to perform work which the applicant failed to perform. The applicant may request a hearing before the Zoning/Code Enforcement Officer within five days from the issuance of the notice. The hearing will be held before the expiration of the fifteen (15) business days notice period.
- (d) The letter of credit or other security, described in this Subsection, may be waived by the Planning Board where:
 - (i) No site improvements or alterations to the site are associated with the application for Site Plan approval and no site improvement conditions have been attached to such approval.
 - (ii) None of the proposed or required site improvements will have any discernible impact on adjacent private property or on the public right-of-way and such improvements primarily affect the user of the property and not adjacent property owners or the general public.
 - (iii) Evidence of the applicant's satisfactory completion of prior Site Plan Review projects is offered in lieu of a letter of credit.
 - (iv) Evidence of a satisfactory financing plan that will guarantee completion of the required site improvements.

(6) Effect of Issuance of Site Plan Review

If the Planning Board shall approve the application, or approve it subject to further specified approvals or to modifications which are acceptable to the applicant, such approval shall not authorize the establishment or expansion of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the Town.

The issuance of a Site Plan Approval shall not authorize the establishment or expansion of any use nor the development, construction, relocation, alteration or moving of any building or structure and shall not abrogate the requirements for any additional permits and approvals which may be required by the codes and ordinances of the Town.

No Site Plan Approval shall be valid for a period longer than one (1) year, or as otherwise extended, from the date of issue unless a building permit is issued and construction is actually begun within that period, and is thereafter diligently pursued to completion or an occupancy permit is obtained and a use commenced within that period.

(7) Limitations on Site Plan Review

A Site Plan Approval shall become null and void six (6) months after the date on which it was issued unless a building permit is obtained and maintained. If a building permit has not been obtained within six months of the date of approval, the approval shall lapse and be of no further effect.

(8) Appeal

- (a) Appeals of Site Plan decisions made by the Planning Board shall be made to the Zoning Board of Appeals within thirty (30) days of the decision.
- (b) An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the Site Plan may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

§ 125.0 Procedures Approved by the Zoning Board of Appeals

A. Special Permit

(1) Authority

As a matter of its original jurisdiction, the Zoning Board of Appeals may, subject to the procedures, standards and limitations hereinafter set out, hear, review and finally decide applications authorizing development of uses listed as Special Permit Uses.

(2) Purpose

Special Permits are those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

(3) Special Permit Requirements

A permit for any Special Permit shall be granted only if evidence is presented which establishes that:

- (a) The proposed building or use will be in harmony with the general purpose, goals, objectives, standards and implementation strategies of the Comprehensive Plan and this Law.
- (b) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
- (c) The proposed building or use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations.
- (d) The proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (e) The proposed building or use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.

(4) Procedure

(a) Application

An application for a Special Permit shall be submitted in a form and in such numbers as required by the Zoning Board of Appeals. A nonrefundable fee, as established from time to time by the Town Board to help defray administrative costs, shall accompany each application. The Zoning Board of Appeals may also request such other and further information and documentation deemed necessary or appropriate to a full and proper consideration and disposition of the particular application. In addition, all applications for Special Permit shall comply with all standards imposed on it by the particular provision of this Law, unless the Zoning Board of Appeals may waive the standard, authorizing such use.

(b) Action by Planning Board

- (i) Within thirty (30) days following the receipt of the application, the Planning Board shall transmit their recommendation to the Zoning Board of Appeals.
- (ii) The failure of the Planning Board to act within thirty (30) days shall be deemed a recommendation for the approval of the proposed amendment as submitted.
- (iii) In making recommendations regarding the Special Permit Application, the Planning Board shall consider and make findings on the following:
 - (A) Consistency with the Town's Comprehensive Plan and any other adopted special area plans.
 - (B) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
 - (C) Availability of public services and infrastructure generally suitable.

(c) Public Hearing

A public hearing shall be set, advertised and conducted by the Zoning Board of Appeals in accordance with §112.0.

- (d) Action by Zoning Board of Appeals
 - (i) Within sixty-two (62) days following the conclusion of the public hearing, the Zoning Board of Appeals shall render its decision that could include:
 - (A) Approving the application for a Special Permit;
 - (B) Approving the application with conditions;
 - (C) Approving the application for a specified time period based on a finding that the proposed use has potential for adverse impacts and that the operation of the use for a specific period will enable the Commission to monitor the use and its impacts.
 - (D) Denying the application
 - (ii) The failure of the Board to act within sixty-two (62) days, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the application.
 - (iii) Within ten (10) business days of such decision or the expiration of such period, the Zoning/Code Enforcement Officer shall mail notice of such decision or failure to act to all parties entitled thereto, file such decision in the office of the Town Clerk and, in the event that a permit for a Special Permit is authorized, the Zoning/Code Enforcement Officer shall issue such permit, listing therein any and all conditions imposed by the Zoning Board of Appeals.
 - (iv) Where the district regulations authorizing any Special Permit in a particular district impose additional standards to be met by such use in such district, a permit for such use in such district shall be granted only if evidence is presented to establish compliance with such additional standards.
- (e) Conditions on Special Permits
 - (i) The Zoning Board of Appeals may impose such conditions upon the premises benefited by a permit for a Special Permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood. Such conditions may be used as a device to grant a permit for a specific time period in order to ensure compliance with all conditions of the approval and this Zoning Law.
 - (ii) Such conditions shall be expressly set forth in the resolution authorizing the Special Permit and in any associated permit.
 - (iii) Violation of such conditions shall be a violation of this Law.
 - (iv) Such conditions may be required in a specific order.

- (v) Such conditions may include but shall not be limited to the following:
 - (A) Modification of specific features of the Site Plan to improve the safety of the site for the general public;
 - (B) Location on a site of activities that generate potential adverse impacts on adjacent uses such as noises and glare;
 - (C) Placement of trash receptacles;
 - (D) Location of loading and delivery areas;
 - (E) Lighting location, intensity and hours of illumination;
 - (F) Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
 - (G) Additional landscaping and buffering;
 - (H) Height restrictions to preserve light and privacy and views of significant features from public property and rights-of-way,
 - (I) Access to natural lighting and solar exposure;
 - (J) Ventilation and control of odors and fumes; and
 - (K) Dust-control paving.

(5) Amendments to Permits

No expansion of a use that is the subject of a Special Permit shall be permitted, except through the same process as required for initial approval of the Special Permit.

(6) Effect of Issuance of a Special Permit

The issuance of a permit for a Special Permit shall not authorize the establishment or expansion of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the Town, including, but not limited to, a Certificate of Zoning Compliance, a Variances and a Building Permit.

(7) Limitations on Special Permits

A Special Permit shall become null and void six (6) months after the date on which it was issued unless a building permit is obtained and maintained. If a building permit has not been obtained within six months of the date of approval, the approval shall lapse and be of no further effect.

A permit for a Special Permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six (6) consecutive months or more.

(8) Appeal

An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the Special Permit may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

B. Variance

(1) Authority

The Zoning Board of Appeals shall have authority, in accordance with the procedures hereinafter established, to authorize use, area or other variances within the Town of Seneca.

(2) Purpose

The variance procedure is intended to provide a means by which relief may be granted from unforeseen particular applications of this Law that create unnecessary hardships or practical difficulties. Only when such hardships or difficulties are not appropriate for remedy pursuant to other provisions of this Article is the variance procedure appropriate.

(3) Variance Standards

(a) Use Variance

Use Variance shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations. A Use Variance is approved subject to specific plans, terms and conditions. Modification of such plans, terms and conditions shall require approval by the Zoning Board of Appeals.

No Use Variance shall be approved unless the applicant shall establish that carrying out the strict letter of the provisions of this Law would create unnecessary hardship. For purposes of this Section, carrying out the strict letter of a provision of this Law would cause unnecessary hardship if a Variance permitted to be approved by this Section would alleviate the hardship and if the applicant establishes the existence of EACH of the following conditions:

- (i) No reasonable return
 - (A) The subject lot or parcel is not capable of yielding a reasonable return if used for its present use or developed, redeveloped or used for any other use permitted by this Law (and not prohibited by any other applicable law) in the district in which such lot or parcel is located.
 - (B) Such inability to yield a reasonable return must be shown by specific fact, and the unsupported opinion of the owner or those appearing for him shall not be accepted as establishing such inability. Proof that the property cannot be used for its highest or best use under the regulations applicable to it or that it could be used more profitably if not subject to such regulations shall not, alone, be sufficient to establish such inability.
- (ii) Unique circumstances
 - (A) The aforesaid inability to yield a reasonable return results from unique circumstances peculiar to the subject lot or parcel which do not apply to or affect other lots or parcels in the immediate vicinity that are subject to the same regulations, which amount to more than a mere inconvenience to the owner and which relate to or arise out of the lot or parcel rather than the personal situation of the current owner of the lot or parcel.
 - (B) In all cases, proof of such unique circumstances shall include, as one of its elements, proof that the existing uses in the immediate vicinity of the subject lot or parcel are not of such nature and condition as to justify rezoning a reasonable area in the vicinity of the subject property to a classification that would permit the economic use and maintenance of the subject lot or parcel.
- (iii) Not self-created

The aforesaid inability to yield a reasonable return is not the result of any action or inaction by the owner or their predecessors in title. Acquisition or improvement of the subject lot or parcel at any time after the enactment of the provision sought to be varied shall raise a rebuttable presumption that the owner's inability to realize a reasonable return is the result of their own actions.

(iv) Essential character of area: surrounding uses and facilities

The Variance would not result in a use or development on the lot or parcel in question which would be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity would:

- (A) Materially impair an adequate supply of light and air to properties and improvements in the vicinity;
- (B) Substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire;
- (C) Unduly tax public utilities and facilities in the area; or endanger the public health or safety;

(v) No other remedy

There is no means other than the requested Variance by which the hardship can be avoided or remedied to a degree sufficient to permit the economic use of the subject lot or parcel.

(b) Area Variance

Area Variance shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by:

- (i) The dimension, such as size, height and setbacks;
- (ii) Physical requirements of this Law;
- (iii) The expansion, structural alteration or enlargement of a legally existing non-conforming use.

No Area Variance shall be approved unless the applicant establishes that carrying out the strict letter of the provisions of this Law would create practical difficulty. For purposes of this Section, carrying out the strict letter of a provision of this Law would cause a practical difficulty if a Variance permitted to be approved by this Section would alleviate the difficulty and if the applicant establishes the existence of each of the following conditions:

(iv) Benefits

The benefits to the applicant of the approving the Variance outweigh any detriments to the health, safety and welfare of the neighborhood or community by such approval.

(v) Not self-created

The aforesaid unique physical condition existed at the time of the enactment of the provision or was created by natural forces, or was the result of governmental action, other than the adoption of this Law, for which no compensation was paid.

(vi) Significance

The requested Area Variance is not substantial.

(vii) Essential character of the area: surrounding uses and facilities

The Variance would not result in a use or development on the lot or parcel in question that would:

- (A) Be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity
- (B) Materially impair an adequate supply of light and air to properties and improvements in the vicinity, substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire
- (C) Unduly tax public utilities and facilities in the area; or endanger the public health or safety.

(viii) Physical and environmental conditions

The requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(ix) No other remedy

There is no means other than the requested Variance by which the difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot or parcel.

(x) Minimum relief

The application is for the minimum Variance necessary to overcome the practical difficulty.

(4) Procedure

(a) Application

- (i) All applications for variances shall be made in quadruplicate to the Secretary of the Zoning Board of Appeals on forms provided by the said secretary and shall be accompanied by information as may be lawfully required by the Zoning Board of Appeals.
- (ii) The Secretary of the Board, after determining the application is in proper form, shall transmit copies of the application and all supporting documents to the Board of Appeals for action thereon.

- (b) Action by Planning Board
 - (i) A copy of the complete variance application and supporting documents shall be submitted to the Planning Board for review and recommendation.
 - (ii) Failure to submit a written report within thirty (30) days of receiving the application shall constitute approval of said application by the Planning Board.
- (c) Public Hearing

A public hearing shall be set, advertised and conducted by the Zoning Board of Appeals in accordance with §112.0.
- (d) Action by the Zoning Board of Appeals
 - (i) Within sixty-two (62) days following the close of the public hearing, the Zoning Board of Appeals shall render its decision, approving or denying the Variance. The failure of the Board to act within sixty-two (62) days shall be deemed a denial of the Variance.
 - (ii) Within five (5) business days following such decision or the expiration of such period, the Board Secretary shall mail notice of such decision or failure to act to all persons entitled to such notice and file such decision in the Office of the Town Clerk.
- (e) Conditions on Variances

Specific conditions and safeguards relating to construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Law, may be imposed upon the premises benefited by a Variance as considered necessary to prevent injurious effects upon other property and improvements in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the resolution approving the Variance and in the notice informing the applicant thereof and in any zoning permit based thereon. Violation of such conditions and safeguards shall be a violation of this Law.
- (f) Approval of Variance Other than Requested Variance

A Variance offering less relief than that requested may be approved when the record supports the applicant's right to some relief but not to the relief requested.
- (g) Effect of Variance Approval

The approval of a Variance shall not authorize the establishment or expansion of any use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of the Town.

(5) Appeal

An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the Variance may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

§ 126.0 Procedures Approved by the Zoning/Code Enforcement Officer

A. Certificate of Nonconformity

This section shall establish the legality of nonconforming uses, structures, lots and signs established prior to the effective date of this Law that do not conform to the regulations of this Law applicable in the zoning districts in which such nonconformities are located.

(1) Purpose

- (a) The zoning districts established by this Law are designed to guide the future use of the Town's land by encouraging the development of desirable residential, commercial and manufacturing-industrial areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare.
- (b) The continued existence of certain nonconformities is frequently inconsistent with the Comprehensive Plan and thus the gradual elimination of such nonconformities is often desirable. Other nonconformities may continue to exist and afford adaptive re-use opportunities that can contribute to neighborhood character, diversity and services.
- (c) The regulations of this Section are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood and are consistent with the goals of the Comprehensive Plan.
- (d) Separate restrictions are established for nonconforming uses of land and structures designed for a permitted use; nonconforming uses of structures not designed for a permitted use; nonconforming structures; nonconforming lots of record; and nonconforming signs.
- (e) In the cases of nonconforming uses of land and nonconforming signs, where the degree of incompatibility is frequently great, the investment comparatively small, and the economic life short, elimination of the nonconformity is required after a reasonable amortization period.

(2) Certificate of Nonconformity Standards

A Certificate of Nonconformity shall be required for any nonconforming uses, structures, lots and signs in the Town of Seneca prior to the approval of additional applications that may be required. The Zoning/Code Enforcement Officer shall consider changes in the following in determining the intensity of the use:

- (a) Floor area;
- (b) Hours of operation;
- (c) Volume and type of sales;
- (d) Type of processing activity;
- (e) Nature and location of storage;
- (f) Transportation requirements by volume, type and characteristics;
- (g) Parking characteristics;
- (h) Noise, smoke, odor, glare, vibration, radiation and fumes.

(3) Procedure

(a) Application

The owner of any nonconformity may at any time apply to the Zoning/Code Enforcement Officer for certification to establish the legality of nonconformity as of a specified date.

(b) Action by Zoning/Code Enforcement Officer

Within forty-five (45) days following receipt by the Zoning/Code Enforcement Officer of an application or such longer time as may be agreed to by the applicant, the Zoning/Code Enforcement Officer shall cause such application to be reviewed for compliance with this Article and shall inform the applicant whether the application has been approved, approved with restrictions or denied.

(c) Approval or Denial

If, upon reviewing an application for certification, the Zoning/Code Enforcement Officer shall determine if the required documents and proof is in order and determine if the use, lot, structure or sign:

- (i) Was lawfully existing at the time of the adoption of the provision creating the nonconformity in question;
- (ii) Has been in continuous use since its establishment with no period of discontinuance causing abandonment and is not in violation of any provisions of this Law;
- (iii) Is of equal or less intensity than the existing non-conformity;
- (iv) That fire damage is less than 50% to replace new.

The Zoning/Code Enforcement Officer shall issue a certificate evidencing such facts and setting forth the nature and extent of the nonconformity and the date, if any, upon which such nonconformity is required to be terminated; otherwise, the Zoning/Code Enforcement Officer shall decline to issue such certificate and shall declare such building, structure or sign to be in violation of this Law.

(d) Limitation on Certificates

A Certificate of Nonconformity shall become null and void six (6) months after the date on which it was issued unless a building permit is obtained and maintained.

(e) Appeals

- (i) Appeal of a decision by the Zoning/Code Enforcement Officer on a Certificate of Nonconformity shall be taken to the Zoning Board of Appeals within sixty (60) days of the mailing of the Officer's decision.
- (ii) An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the Certificate of Nonconformity may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, department or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

Article XV. Exceptions

§ 127.0 Height

The stated maximum height shall not apply to any of the following structures when lawfully existing, permitted or permissible in the district:

- A. Chimneys, spires, belfries, cupolas, domes and silos;
- B. Flagpoles, radio or television antennas – located on a building and extending not more than twenty (20) feet above the roof of such building;
- C. Elevator and stair bulkheads – provided that such structures do not occupy more than ten (10) percent of the roof area;
- D. Solar energy systems not more than one half (1/2) story above the roof of such building;
- E. Wind Energy Conversion Systems to a height of one hundred (100) feet;
- F. Water towers and tanks;
- G. Observation towers;
- H. Clock towers.

§ 128.0 Yards

The following may be located within any required setbacks, subject to the specific limitations noted:

- A. Awnings and canopies.
- B. Decks, except in front yards.
- C. Flagpoles.
- D. Non-mechanical laundry drying equipment, except in front yards.
- E. Patios and terraces.
- F. Recreational equipment, except in front yards.
- G. Solar collectors.
- H. Statuary, arbors, trellised and barbecue stoves.
- I. Trees, shrubs, flowers, fences, walls, hedges and other landscape features any be located within any required setback.
- J. Bay windows and balconies projecting not more than thirty-six (36) inches from an exterior wall for a distance not more than one-third (1/3) of the length of such wall; provided that such projections shall come entirely within planes drawn from the main corners of the building at an interior angles of twenty-two and one-half (22 ½) degrees within the wall in question.
- K. Chimneys, flues, belt courses, leaders, sills, plaster, lintels, ornamental features, cornices, eaves, gutters and the like projecting not more than eighteen (18) inches from an exterior wall.
- L. Fire escapes or outside stairways projecting from an exterior wall not more than three (3) feet.

Article XVI. Non-Conforming Uses, Structures and Signs

§ 129.0 Purpose

- A. This Section regulates and limits the continued existence of uses, structures, lots and signs established prior to the effective date of this Law that do not conform to the regulations of this Law applicable in the zoning districts in which such nonconformities are located.
- B. The zoning districts established by this Law are designed to guide the future use of the Town's land by encouraging the development of desirable residential, mixed use and industrial areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare.
- C. The continued existence of certain nonconformities is frequently inconsistent with the Comprehensive Plan and thus the gradual elimination of such nonconformities is desirable. Other nonconformities may continue to exist and afford adaptive re-use opportunities that can contribute to neighborhood character, diversity and services.
- D. The regulations of this Section are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood and are consistent with the goals of the Comprehensive Plan.

§ 130.0 Nonconforming Use

- A. Authority
Authority to continue any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this Section. Ordinary repair and maintenance or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed.
- B. Structural Alteration or Enlargement
No structure shall be structurally altered or enlarged unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No parking, yard or space and bulk nonconformity may be created or increased.
- C. Damage or destruction
 - (1) When a structure is damaged or destroyed, by any means not within the control of the owner, to the extent of more than fifty (50) percent of the cost of replacement of the structure new, the structure shall not be restored unless its use thereafter conforms to the use regulations of the zoning district in which it is located. No parking, yard or space and bulk nonconformity may be created or increased.

- (2) When a structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of fifty (50) percent or less of the cost of replacement of the structure new, repair or restoration of such structure may be made; provided, however, that:
 - (a) No parking, yard or space and bulk nonconformity is created or increased;
 - (b) A zoning certificate is obtained and restoration is actually begun within one (1) year after the date of such partial damage or destruction and is diligently pursued to the completion.
- (3) In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with this Section.

D. Moving

No structure or use of land shall be moved in whole or part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and/or use conform to all regulations of the Zoning District in which it is located after being so moved.

E. Expansion of Use

No use shall be expanded or enlarged or increased in intensity. Such prohibited activity shall include, but shall not limited to:

- (1) Expansion of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this Law, or any Amendment hereto which causes such use to become nonconforming.
- (2) Expansion of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Law, or any Amendment to this Law, which causes such use to become nonconforming. Except, a nonconforming use located in a structure not designed for any use permitted in the district in which such structure is located may be extended throughout any part of such structure provided, however, that such expansion shall not be allowed unless off-street parking and loading spaces required for such expansion can be, and are, provided in accordance with the requirements and restrictions of this Law.
- (3) An extension of the hours of operation of such use beyond the normal hours of operation shall not be allowed.

F. Change in use

- (1) A nonconforming use in a structure designed for a use permitted in the district in which it is located, shall not be changed to any use other than a use permitted in the zoning district in which the property is located.
- (2) A nonconforming use in a structure not designed for a use permitted in the district in which it is located shall not be changed to any use other than a nonconforming use of the same or a more restricted classification and of the same or lesser level of intensity and impact or, to a use permitted in the zoning district in which the structure is located.
- (3) Once changed to a permitted use or to a more restrictive use in accordance with Subsections 1 and 2 above, the use shall not be changed back to the prior nonconforming use. The use is changed when an existing nonconforming use is terminated and a new use commences and continues for a period of seven (7) consecutive days, including any change of use in violation of this Subsection.

G. Abandonment or Discontinuance

- (1) When the active operation of a nonconforming use is discontinued or abandoned for a period of nine (9) consecutive months, regardless of any intent to resume or not to abandon the use, the use shall not be reestablished or resumed. The active operation of a use shall be the typical or normal activities associated with the use. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such structure is located.
- (2) Any discontinuance of a use caused by a foreclosure action by a governmental entity shall not be considered in calculating the length of discontinuance of this Section, for the time period that title to the property is held by the governmental entity.
- (3) For the purpose of this Section, the following circumstances, which shall not be exclusive, shall contribute towards evidence of discontinuance or abandonment of a use:
 - (a) Failure to maintain regular business hours, typical or normal for the use (past operations of the use and/or industry standards may be used to determine typical or normal hours); or
 - (b) Failure to maintain equipment, supplies or stock in trade, which would be used for the active operation of the use; or
 - (c) Failure to maintain utilities which would be used for the active operation of the use; or
 - (d) Failure to pay taxes, including, but not limited to sales taxes, workers' compensation taxes, corporate taxes, etc. that would be required for the active operation of the use; or

- (e) Failure to maintain required local, state or federal licenses or other approvals that would be required for the active operation of the use. Prior to a determination by the Zoning/Code Enforcement Officer, based upon evidence of any of the above circumstances or other relevant evidence that a nonconformity has been discontinued or abandoned, the owner or operator shall have the opportunity to apply for a Certificate of Nonconformity and, thereby, establish by relevant and credible evidence that the use has not been discontinued or abandoned.
 - (4) The legality of one or more nonconforming uses located within a property shall not affect the determination that another nonconforming use on the same property has been discontinued or abandoned.
- H. Nonconforming Accessory Uses and Structures

No use, structure or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.
- I. Outdoor Activities and Operations

All business operations and all manufacturing or processing activities other than those conducted by a use that is nonconforming on the effective date of this Law or which is rendered nonconforming by any amendment to this Law shall be conducted within a completely enclosed building.

§ 131.0 Nonconforming Buildings or Structures

- A. Continuance

Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this Section.
- B. Enlargement, Repair or Alterations

Any nonconforming structure may be enlarged, maintained, repaired or altered provided, no additional nonconformity is created or the degree of the existing nonconformity is increased.
- C. Damage or Destruction
 - (1) In the event that any part of a nonconforming structure which contributed to its nonconformity is damaged or destroyed, by any means, to the extent of more than seventy-five (75) percent of the cost of replacement of said part new, such part shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located.
 - (2) When such a part of a nonconforming structure is damaged or destroyed, by any means, to the extent of seventy-five (75) percent or less of the cost of replacement of such part new, no repairs or restoration except in conformity with the applicable zoning district regulations shall be made unless a zoning certificate is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

D. Moving

No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

§ 132.0 Nonconforming Lots of Record

- A. In any district in which single-family dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Law, a single-family detached dwelling which complies with the yard, space and bulk requirements below may be erected on a nonconforming lot. This includes construction of a single family dwelling on any lot less than forty (40) feet in width, consisting entirely of one (1) tract of land of not less than four thousand (4,000) square feet.
- B. In any district in which single-family dwellings are not permitted, a nonconforming lot of record may be used for any use permitted in the district in which it is located if Site Plan approval is granted in accordance with the provisions of this Law.

§ 133.0 Nonconforming Signs

A. Continuance

Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Law.

B. Alteration, Expansion, Moving

No nonconforming sign shall be:

- (1) Changed or altered in any manner which would increase the degree of its nonconformity;
- (2) Expanded;
- (3) Changed or altered to prolong its useful life; or
- (4) Moved in whole or in part to any other location where it would remain nonconforming.

C. Termination of Nonconforming Signs

(1) Termination by abandonment

Any nonconforming sign, the use of which is discontinued for a period of ninety (90) days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be re-established. Any period of such discontinuance caused by government actions, strikes, material shortages or forces of nature, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Subsection.

(2) Termination by change of business

Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.

(3) Termination by damage or destruction

Any nonconforming sign damaged or destroyed, by any means, to the extent of thirty-five (35) percent of its replacement cost new shall not be restored but shall be terminated.

Article XVII. Enforcement

§ 134.0 Code Compliance Required

The commencement or continuation of any activity regulated by this Code that is not in compliance with the express provisions of this Code, or that is not in compliance with the express provisions of any permit or approval, including any attached findings or conditions, shall be a violation of this Code, and subject to enforcement under the terms of this Article and New York Law.

§ 135.0 Enforcement Responsibility

The responsibility for the enforcement of this Code is delegated to the Zoning/Code Enforcement Officer.

Whenever a violation of this local law occurs, any person may file a complaint. All such complaints must be filed with the Zoning/Code Enforcement Officer who shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Zoning Law.

§ 136.0 Penalties

A violation of this Law is hereby declared to be an offense punishable by:

- A. A fine not to exceed \$350 or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense
- B. For a conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both
- C. Upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 not more than \$1,000 or imprisonment for a period not to exceed six months, or both

Each week's continued violation shall constitute a separate additional violation.

§ 137.0 Accumulated Fines

Accumulated fines or penalties shall not continue to accrue if one of the following occurs:

- A. The violation is actively being cured pursuant to a plan, including a clear time frame and deadline, accepted by the Zoning/Code Enforcement Officer. Failure to actively cure the violation shall reactivate the enforcement process.
- B. Request by the offender for a hearing.
- C. Complete application to the applicable board to bring the violation into conformance.

§ 138.0 Remedies and Enforcement Powers

On behalf of the Town, the Zoning/Code Enforcement Officer may take any one or more of the following actions as a remedy for any violation of this Zoning Law:

- A. Issuing and serving on the violator a notice and order for violations;
- B. Withholding any approvals or permits required by this Law or order other officials to withhold such approval or permits;
- C. Bringing an action for injunction or mandamus to abate a violation;
- D. Bringing an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation;
- E. Pursuing prosecution of the violation.