



Town of Ontario
Town Hall Offices
1850 Ridge Road
Ontario NY 14519
Main Phone 315.524.3441
Supervisor 315.524.7105

**17 August 2020
Ontario Town Board Meeting Agenda
7:00 p.m. Meeting
Casey Park**

I. Call to Order / Pledge of Allegiance

II. Revisions to Agenda

III. Comments from the Public

V. REPORTS

■ **Supervisor Report**

VI. NEW BUSINESS

■ **Resolution to set Public Hearing on Local Law #4**

**THE ADOPTION OF PROPOSED LOCAL LAW NO. 4
OF 2020: AMENDMENT TO TOWN CODE SECTION 80-14,
RELATING TO DURATION OF BUILDING PERMITS (attached)**

■ **Resolution to set Public Hearing on Local Law #5**

**THE ADOPTION OF PROPOSED LOCAL LAW NO. 5
OF 2020: AMENDMENTS TO THE ZONING CODE
OF THE TOWN OF ONTARIO (attached)**

■ **Resolution Authorizing Appointment of Collector of
School Taxes (attached)**

■ **Resolution Regarding Retention and Disposition
Schedule for New York Local Government Records
(attached)**

VIII. BUDGET / ADJUSTMENT TRANSFERS

IX. APPOINTMENTS / RESIGNATIONS

X. Board Member Comments

XI. Approval of Claims

XII. Workshop Items

XIII. Executive Session / Adjournment

At a Regular Meeting of the Town Board of the Town of Ontario, New York held at Casey Park, Ontario, New York, on the 17th day of August, 2020.

PRESENT: Frank Robusto, Supervisor
Joseph Catalano, Councilman
Scott TeWinkle, Councilman
Jeremy Eaton, Councilman
Timothy Strickland, Councilman

ABSENT: None

In the Matter

of

THE ADOPTION OF PROPOSED LOCAL LAW NO. 4
OF 2020: AMENDMENT TO TOWN CODE SECTION 80-14,
RELATING TO DURATION OF BUILDING PERMITS

Resolution to Set Public Hearing

WHEREAS, true and correct copies of proposed Local Law No. 4 of 2020: Amendment to Town Code Section 80-14, Relating to Duration of Building Permits, were delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 4 of 2020, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 21st day of September, 2020, at 7:00 p.m. at the Adult Activity Center, Casey Park, 6551 Knickerbocker Road, Ontario, New York, to consider the adoption of said proposed Local Law No. 4 of 2020;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 21st day of September, 2020, at 7:00 P.M., Local Time, at the Adult Activity Center, Casey Park, 6551 Knickerbocker Road, Ontario, New York, on the question of the adoption of said proposed Local Law No. 4 of 2020; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law No. 4 of 2020, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post certified copies of both this Resolution and said proposed Local Law No. 4 of 2020, or a summary thereof, on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

Said matter having been put to a vote, the following votes were recorded:

Frank Robusto	VOTING
Joseph Catalano	VOTING
Scott Tewinkle	VOTION
Jeremy Eaton	VOTING
Timothy Strickland	VOTING

The Resolution was thereupon declared duly adopted.

DATED: August 17, 2020



Debra DeMinck, Town Clerk

I, DEBRA DEMINCK, Town Clerk of the Town of Ontario, New York, DO HEREBY CERTIFY that I have compared a copy of the Resolution as herein specified with the original in the minutes of the meeting of the Town Board of the Town of Ontario and that the same is a correct transcript thereof and the whole of the said original.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of August, 2020.

Debra DeMinck, Town Clerk

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF ONTARIO, NEW YORK
AS FOLLOWS:
LOCAL LAW NO. 4 OF 2020:
THE ADOPTION OF PROPOSED LOCAL LAW
NO. 4 of 2020: AMENDMENT TO TOWN CODE
SECTION 80-14**

Sec. 1 Title

This Local Law shall be known as “Local Law No. 4 of 2020: Amendment to Town Code Section 80-14.”

Sec. 2 Purpose

The purpose of this Local Law #4 of 2020 is to amend the provisions of Town Code Section 80-14, in order to clarify the duration of Building Permits and to provide for allowed extensions thereof.

Sec. 3 Amendment to Section 80-14

The provisions of Town Code Section 80-14 of Chapter 80 – Fire prevention and Building Construction Compliance are hereby amended, to read, as follows:

§ 80-14 Duration of Building Permits.

Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this section may be renewed, for a period of 12 months, two (2) times by the Code Enforcement Officer, upon request by the permit holder and payment of the Town Board approved renewal fee. Thereafter, a new application for a Building Permit must be made, including the applicable application fee.

Sec. 4 Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall

be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Sec. 5 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

At a Regular Meeting of the Town Board of the Town of Ontario, New York held at Casey Park, Ontario, New York, on the 17th day of August, 2020.

PRESENT: Frank Robusto, Supervisor
Joseph Catalano, Councilman
Scott TeWinkle, Councilman
Jeremy Eaton, Councilman
Timothy Strickland, Councilman

ABSENT: None

In the Matter

of

THE ADOPTION OF PROPOSED LOCAL LAW NO. 5
OF 2020: AMENDMENTS TO THE ZONING CODE
OF THE TOWN OF ONTARIO

Resolution to Set Public Hearing

WHEREAS, true and correct copies of proposed Local Law No. 5 of 2020: Amendments to the Zoning Code of the Town of Ontario, were delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 5 of 2020, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 21st day of September, 2020, at 7:00 p.m. at the Adult Activity Center, Casey Park, 6551 Knickerbocker Road, Ontario, New York, to consider the adoption of said proposed Local Law No. 5 of 2020;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 21st day of September, 2020, at 7:00 P.M., Local Time, at the Adult Activity Center, Casey Park, 6551 Knickerbocker Road, Ontario, New York, on the question of the adoption of said proposed Local Law No. 5 of 2020; and be it further



RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law No. 5 of 2020, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post certified copies of both this Resolution and said proposed Local Law No. 5 of 2020, or a summary thereof, on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

Said matter having been put to a vote, the following votes were recorded:

Frank Robusto	VOTING
Joseph Catalano	VOTING
Scott Tewinkle	VOTION
Jeremy Eaton	VOTING
Timothy Strickland	VOTING

The Resolution was thereupon declared duly adopted. 

DATED: August 17, 2020

Debra DeMinck, Town Clerk

I, DEBRA DEMINCK, Town Clerk of the Town of Ontario, New York, DO HEREBY CERTIFY that I have compared a copy of the Resolution as herein specified with the original in the minutes of the meeting of the Town Board of the Town of Ontario and that the same is a correct transcript thereof and the whole of the said original.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of August, 2020.

Debra DeMinck, Town Clerk

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF ONTARIO, NEW YORK
AS FOLLOWS:**

**LOCAL LAW NO. 5 OF 2020:
THE ADOPTION OF PROPOSED LOCAL LAW
NO. 5 of 2020: AMENDMENTS TO THE ZONING
CODE OF THE TOWN OF ONTARIO**

Sec. 1 Title

This Local Law shall be known as “Local Law No. 5 of 2020: Amendments to the Zoning Code of the Town of Ontario.”

Sec. 2 Purpose

The purpose of Local Law #5 of 2020 is to re-format and re-organize the provisions of “Chapter 150 – Zoning” relating to the various Zoning Districts of the Town of Ontario, so as to make such provisions clearer and easier to understand; relocate the provisions of the Town Code relating to “Adult Uses” from existing “Chapter 105 – Peace and Good Order” to “Chapter 150 – Zoning”; and to make other, technical, corrections and clarifications.

Sec. 3 Deletion of Chapter 105 – Peace and Good Order

Chapter 105, entitled “Peace and Good Order” is, in all respects, deleted from the Town Code.

Sec. 4 Amendments to Section 150-5 - Definitions

The following definitions contained in Section 150-5 are hereby amended, as follows:

1. The definition “Dwelling, Modular” is hereby deleted.
2. The definition of “Personal Service Establishment” is hereby amended, to read as follows:

PERSONAL SERVICE ESTABLISHMENT - A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:

- A. Arts and crafts studios or stores.
- B. Appliance repair and rental.
- C. Bicycle repair.
- D. Barbershops and beauty shops.
- E. Dressmakers and tailors.
- F. Dry-cleaning or laundry pickup stations.
- G. Laundromat.



- H. Locksmiths.
- I. Musical instrument repair.
- J. Professional photographer's studios.
- K. Shoe repair.
- L. Furniture upholstery shops.
- M. Watch repair.
- N. Copy services.

Sec. 5 Amendments to Town Code Sections 150-6 through 150-27

Sections 150-6 through, and including 150-27 are hereby amended, to read as follows:

§150-6. Zoning Map.

- A. The boundaries of the districts are established as shown on the map entitled the "Zoning Map of the Town of Ontario," and called the "Zoning Map" in this chapter. The Zoning Map, including all the explanatory material on it, is incorporated as a part of this chapter.
- B. The Town Clerk shall certify the Zoning Map as part of this chapter and keep it on file in the Clerk's office.
- C. Any change in the district boundaries or other matters shown on the Zoning Map shall be promptly made on the map, attested to by the Town Clerk. The chapter or law making such change shall provide for its immediate entry on the Zoning Map.

§150-7. Interpretation of district boundaries.

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

- A. Boundaries shown as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- B. Boundaries shown as approximately following plotted lot lines shall be construed to follow such lot lines.
- C. Boundaries shown as following shorelines of streams, lakes and reservoirs shall be construed to follow such shorelines and to move with changes in the actual shorelines.
- D. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through C shall be construed to be parallel to or extensions of such features.
- E. Distances not specifically set forth on the Zoning Map shall be determined by the scale of the map.

ARTICLE III, General Regulations Applicable to All Districts

§150-8. Applicability.

- A. No structure, building or parcel shall hereafter be used or occupied and no structure or building shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations for the district in which it is located, and no more than one single-family dwelling shall be erected or constructed upon a single parcel of land.

- B. No part of a yard, open space, parking space or loading space required for any structure under this regulation shall be included as part of a yard, open space, parking space or loading space similarly required for another structure or building.
- C. No yard, lot or parking space now existing shall be reduced in size below the minimum requirements of this chapter. Yards or lots created after the effective date of this chapter shall meet its minimum requirements.
- D. Within each district, the regulation established by this chapter shall be minimum regulations and shall be applied uniformly to each class or kind of structure or building or parcel.

§150-9. Effect on filed subdivision.

If the plat of a residential subdivision containing one or more new streets has been duly filed in the Wayne County Clerk's office prior to the adoption or any amendment of this chapter, the lots of the subdivision may be developed with the lots and yards delineated on the plat and any provision of this chapter requiring larger lots or yards shall not apply to the subdivision for a period of three years from the date of such filing. If the plat is being filed in sections, the three years shall be computed from the last date of the filing of a section prior to such adoption. If an additional section is filed after such adoption but within the three-year period and less than one year of the period remains, the three-year period shall be extended as to such section only for one year from the date of its filing.

§150-10. Lot in two districts.

Where a lot in one ownership exists in two or more districts, the regulations for any one district may be extended into the other district or districts for a distance of not more than 20 feet. Extensions of more than 20 feet shall be permitted only by approval of the Zoning Board of Appeals.

§150-11. Height exceptions.

Nothing contained in this chapter shall limit or restrict the height of a church spire, belfry, clock tower, chimney flue, elevator bulkhead, television antenna.

§150-12. Fire escape.

Nothing contained in this chapter shall prevent the projection of an open fireproof escape or stairway into a rear yard or side yard for a distance not to exceed eight feet.

§150-13. Accessory structures.

A. In any district, any structure shall comply with all applicable setbacks, except that a single accessory structure no larger than 192 square feet in building area or no greater than 14 feet in building height may be placed no closer to a side or rear property line than five feet. This subsection shall not apply to fences.

B. Location.

- (1) No detached garage or other accessory building or structure, including utility sheds, shall be constructed nearer the front property line than the front of the main building or, in the case of a corner lot, nearer to the side street line than the minimum road front setbacks for the zoning district. If a garage is constructed as a structural part of an existing dwelling, it may extend into

an interior side yard required under this chapter not more than three feet. This section shall not include fences.

- (2) Where the front yard (as defined in §150-5 and as illustrated at the end of this chapter) is more than 200 feet in depth, a garage or accessory building or structure, including utility sheds, shall be no closer than 200 feet to the front lot line.

§150-14. Area and width exceptions.

In any such parcel of land with an area or width less than prescribed for a lot in the district in which such lot is situated, which parcel was under one ownership on the effective date of this chapter and the owner thereof owned no adjoining land, said parcel may be used as a lot for any purpose permitted in the district, provided that there shall be compliance with all other regulations prescribed for the district by this chapter.

§150-15. Junkyards.

In any district, no lot may hereafter be used nor any building or structure erected, reconstructed, structurally altered or moved for use as a junkyard as defined in this chapter. (See §150-5.)

§150-16. Street intersection improvements.

At the intersection of two or more streets, no hedge, fence, wall or other obstruction to vision shall be permitted within the triangle of land bounded by the street right-of-way lines and a line connecting points on such right-of-way lines which are a distance of 30 feet from their intersection.

§150-17. Storage of materials; temporary storage structures.

In any district, all storage of materials shall be behind the front line of the primary structure located on such premises. Any structure used for the storage of materials shall comply with all applicable setbacks. The foregoing requirements shall not apply to the placement of a temporary storage structure which remains on such premises for no more than two weeks in any 12 consecutive months.

§150-18. Fences.

A. A permit issued by the Code Enforcement Officer is required prior to the erection of any fence in any district. Such permit shall be issued upon an application submission of the following:

- (1) Site plan showing the placement and dimensions of the proposed fence, all of which shall be in compliance with the requirements of this section.
- (2) Payment of an application fee in an amount established by the Town Board.

B. In all districts, fences shall comply with the following:

- (1) Barbed-wire, razor wire, electrical (with the exception of low-voltage, underground, pet containment fences) or other, similar types of fences are prohibited, except on farms or to enclose horse paddocks.
- (2) Fences shall have a maximum height of six feet five inches (excluding commercially manufactured decorative caps located on top of fence posts), measured from the top of the fence to the ground.

- (3) Commercially manufactured decorative caps located on top of fence posts shall not exceed 12 inches in height and width.
- (4) Fencing shall follow the natural contour of the land.
- (5) Fences shall be constructed so that the finished side faces adjoining lots and all posts and/or supports shall face the owner's side.

ARTICLE IV, Rural (R-1) District

§ 150-19.1 Purpose and uses allowed.

- A. The Rural (R-1) District is established to encourage a proper environment to foster normal agricultural operations and primarily rural residential land uses; to maintain an open rural character of the community; and to protect viable agricultural soils.
- B. Any use not specifically permitted in this Article is not allowed in the Rural (R-1) District

§ 150-19.2 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. Accessory structures, subject to §150-13.
- B. Adult residential-care facility.
- C. Building integrated, roof-mounted and small-scale ground-mounted solar energy systems, subject to §150-42(B)(26).
- D. Enclosed storage as an accessory use.
- E. Family-care facility.
- F. Farm, subject to §150-42(B)(1).
- G. Excavations or fills, subject to §150-42(B)(21).
- H. Fences, subject to §150-18.
- I. Home occupation, subject to §150-42(B)(15).
- J. Library, fire station and other municipal building, subject to §150-42(B)(14).
- K. Mobile/manufactured home dwelling, subject to §150-42(B)(8).
- L. Newspaper vending machine, subject to §150-42(B)(24).
- M. Private boat, travel or camp trailer, subject to §150-42(B)(25).
- N. Private garage, subject to §150-13.
- O. Private swimming pool, subject to §150-42(B)(16).
- P. Public utility substation.
- Q. Roadside stand, subject to §150-42(B)(3).
- R. Signs, subject to §150-48.
- S. Single-family dwelling.
- T. State regulated community residences, subject to §150-42(B)(11).

§ 150-19.3 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. Bed and Breakfast facility, subject to §150-42(B)(33).
- B. Campground, subject to §150-42(B)(39).
- C. Cemetery.

- D. Charitable, educational or fraternal organization.
- E. Church and related uses, subject to §150-42(B)(30).
- F. Commercial stable, subject to §150-42(B)(4).
- G. Day-care facility or nursery school, subject to §150-42(B)(12).
- H. Farm labor camp, subject to §150-42(B)(27).
- I. Farm market, subject to §150-42(B)(2).
- J. Golf course.
- K. Greenhouse or plant nursery.
- L. Hospital/Nursing home, subject to §150-42(B)(31).
- M. Kennel, subject to §150-42(B)(28).
- N. Large-scale ground-mounted solar energy systems, subject to §150-42(B)(40).
- O. Pet shop or veterinary establishment, subject to §150-42(B)(34).
- P. Private, not-for-profit park, playground or other outdoor recreation facility.
- Q. Private stable, subject to §150-42(B)(4).
- R. Professional office.
- S. Public or parochial school, subject to §150-42(B)(13).
- T. Riding academy, subject to §150-42(B)(4).
- U. Satellite dish, subject to §150-42(B)(37).
- V. Short-wave, ham radio, television and radio antennas, subject to §150-42(B)(37).
- W. Tourist home, boardinghouse or rooming house, subject to §150-42(B)(32).
- X. Wind energy collectors and geothermal residential systems, subject to §150-42(B)(38).
- Y. Winery.

§ 150-19.4 Lot and bulk requirements.

- A. Minimum lot area.
 - (1) From the area to be developed shall be subtracted non-buildable areas, including streams, ponds and other watercourses; wetlands; floodplains; and steep slopes with a grade of 15% or greater, to arrive at the total buildable area.
 - (2) The density of such total buildable area shall be at the rate of one dwelling per 1.25 acres.
 - (3) Each lot shall be a minimum of 35,000 square feet.
 - (4) The remaining area of the development shall be comprised of roads, other infrastructure and/or open space.
- B. Minimum Lot width.
 - (1) The minimum lot width, with or without public sewers, is 125feet.
- C. Required setbacks:
 - (1) Front setback:
 - (a) Lots fronting on Lake Road: 75 feet
 - (b) Lots fronting on a state, county or town road: 60 feet
 - (c) Lots fronting on a subdivision road: 50 feet
 - (d) If a building permit for a residential structure was issued prior to July 10, 1996, with a 50 foot front setback, such setback shall also apply to an addition to such structure.
 - (2) Side setback: 20 feet on one side and a total of 40 feet for both sides.
 - (3) Rear setbacks: 40 feet, except that the lake side of lots located on Lake Ontario shall be considered to be the rear yard and the rear setback shall be 50 feet or 20 times the average annual erosion rate, as determined by the New York Department of Environmental Conservation, whichever is greater.
 - (4) Patios, decks, pools and unenclosed porches may extend into rear and side yards, but no such structure shall be located less than 10 feet from any property line.
 - (5) Cantilevers may extend into front, rear and side yards by no more than two feet.

- D. Height. The maximum permitted height of any structure is 36 feet, except that wind energy collectors may be 100 feet in total height (including any blade in the vertical position), subject to Special Permit requirements.
- E. Lot coverage. The Maximum Lot Coverage shall not exceed 20% of the total area of the property.
- F. Minimum primary structure size:
 - (1) Except as provided in sub-section "2", below: 1,200 square feet, plus (in the case of a residential structure) at least a 1 car garage.
 - (2) Multi-family, multi-story structures: 700 square feet on the first floor and a total of 1,200 square feet.
- G. Off-street parking shall comply with the provisions of §150-47 of this chapter.

ARTICLE V, Rural (R-2) District

§ 150-20.1 Purpose and uses allowed.

- A. The Rural (R-2) District is established to designate areas of the Town for the purpose of promoting the orderly development of residential land uses and maintain an open rural character of the community.
- B. Any use not specifically permitted in this Article is not allowed in the Rural (R-2) District

§ 150-20.2 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. All principal and accessory uses and structures allowed in §150-19.2 of this chapter.

§ 150-20.3 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. All principal and accessory uses and structures allowed in §150-19.3 of this chapter, subject to the same requirements as contained therein.

§ 150-20.4 Lot and bulk requirements.

- A. Minimum lot area.
 - (1) Each lot that is served by a septic system shall be a minimum of 35,000 square feet.
 - (2) Each lot that is served by public sewers shall be a minimum of 28,000 square feet.
- B. Minimum Lot width.
 - (1) The minimum lot width, with or without public sewers, is 125feet.
- C. Required setbacks:
 - (1) Front setback:
 - (a) Lots fronting on Lake Road: 75 feet
 - (b) Lots fronting on a state, county or town road: 60 feet
 - (c) Lots fronting on a subdivision road: 50 feet
 - (d) If a building permit for a residential structure was issued prior to July 10, 1996, with a 50 foot front setback, such setback shall also apply to an addition to such structure.
 - (2) Side setback: 20 feet on one side and a total of 40 feet for both sides.
 - (3) Rear setbacks: 40 feet, except that the lake side of lots located on Lake Ontario shall be considered to be the rear yard and the rear setback shall be 50 feet or 20 times the average annual

erosion rate, as determined by the New York Department of Environmental Conservation, whichever is greater.

- (4) Patios, decks, pools and unenclosed porches may extend into rear and side yards, but no such structure shall be located less than 10 feet from any property line.
- (5) Cantilevers may extend into front, rear and side yards by no more than two feet.
- D. Height. The maximum permitted height of any structure is 36 feet, except that wind energy collectors may be 100 feet in total height (including any blade in the vertical position), subject to Special Permit requirements.
- E. Lot coverage. The Maximum Lot Coverage shall not exceed 20% of the total area of the property.
- F. Minimum primary structure size:
 - (1) Except as provided in sub-section “2”, below: 1,200 square feet, plus (in the case of a residential structure) at least a 1 car garage.
 - (2) Multi-family, multi-story structures: 700 square feet on the first floor and a total of 1,200 square feet.
- G. Off-street parking shall comply with the provisions of §150-47 of this chapter.

ARTICLE VI, Suburban Residential (SR) District

§ 150-21.1 Purpose and uses allowed.

- A. The Suburban Residential (SR) District is established to designate areas of the Town for single-family residential use, at low density and other uses.
- B. Any use not specifically permitted in this Article is not allowed in the Suburban Residential (SR) District

§ 150-21.2 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. Accessory structures, subject to §150-13.
- B. Adult residential-care facility.
- C. Building integrated, roof-mounted and small-scale ground-mounted solar energy systems, subject to §150-42(B)(26).
- D. Conversion of existing building into not more than 3 dwelling units, subject to §150-42(B)(10).
- E. Enclosed storage as an accessory use.
- F. Excavations or fills, subject to §150-42(B)(22).
- G. Family-care facility.
- H. Farm, subject to §150-42(B)(1).
- I. Fences, subject to §150-18.
- J. Home occupation, subject to §150-42(B)(15).
- K. Library, fire station and other municipal building, subject to §150-42(B)(14).
- L. Mobile/manufactured home dwelling, subject to 150-42(B)(8).
- M. Newspaper vending machine, subject to §150-42(B)(24).
- N. Private boat, travel or camp trailer, subject to §150-42(B)(25).
- O. Private garage, subject to §150-13.
- P. Private swimming pool, subject to §150-42(B)(16).
- Q. Public utility substation, subject.
- R. Roadside stand, subject to §150-42(B)(3).
- S. Signs, subject to §150-48.

- T. Single-family dwelling.
- U. State regulated community residences, subject to §150-42(B)(11).

§ 150-21.3 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. Bed and Breakfast facility, subject to §150-42(B)(33).
- B. Cemetery.
- C. Charitable, educational or fraternal organization.
- D. Church and related uses, subject to §150-42(B)(30).
- E. Day-care facility or nursery school, subject to §150-42(B)(12).
- F. Farm labor camp, subject to §150-42(B)(27).
- G. Farm market, subject to §150-42(B)(2).
- H. Golf course.
- I. Hospital/Nursing home, subject to §150-42(B)(31).
- J. Large-scale ground-mounted solar energy systems, subject to §150-42(B)(40).
- K. Private, not-for-profit park, playground or other outdoor recreation facility.
- L. Professional office.
- M. Public or parochial school, subject to §150-42(B)(13).
- N. Satellite dish, subject to §150-42(B)(37).
- O. Short-wave, ham radio, television and radio antennas, subject to §150-42(B)(37).
- P. Tourist home, boardinghouse or rooming house, subject to §150-42(B)(32).

§ 150-21.4 Lot and bulk requirements.

- A. Minimum lot area.
 - (1) Each lot that is served by a septic system shall be a minimum of 22,500 square feet.
 - (2) Each lot that is served by public sewers shall be a minimum of 18,000 square feet.
- B. Minimum Lot width.
 - (1) The minimum lot width for single-family lots served by a septic system is 125 feet, provided, however, that when an applicant produces engineering data to demonstrate that existing soil conditions on any lot are adequate to produce acceptable percolation tests, in accordance with percolation standards of the New York State Department of Health, the minimum lot width shall be reduced to 100 feet.
 - (2) The minimum lot width for lots served by a septic system, other than single-family lots, is 125 feet.
 - (2) The minimum lot width for lots served by a public sewer is 100 feet.
- C. Required setbacks:
 - (1) Front setback:
 - (a) Lots fronting on Lake Road: 75 feet
 - (b) Lots fronting on a state, county or town road: 60 feet
 - (c) Lots fronting on a subdivision road: 50 feet
 - (d) If a building permit for a residential structure was issued prior to July 10, 1996, with a 50 foot front setback, such setback shall also apply to an addition to such structure.
 - (2) Side setback: 12 feet on one side and a total of 32 feet for both sides.
 - (3) Rear setbacks: 40 feet, except that the lake side of lots located on Lake Ontario shall be considered to be the rear yard and the rear setback shall be 50 feet or 20 times the average annual erosion rate, as determined by the New York Department of Environmental Conservation, whichever is greater.

- (4) Patios, decks, pools and unenclosed porches may extend into rear and side yards, but no such structure shall be located less than 10 feet from any property line.
- (5) Cantilevers may extend into front, rear and side yards by no more than two feet.
- D. Height. The maximum permitted height of any structure is 36 feet.
- E. Lot coverage. The Maximum Lot Coverage shall not exceed 20% of the total area of the property.
- F. Minimum primary structure size:
 - (1) Except as provided in sub-section "2", below: 1,100 square feet, plus (in the case of a residential structure) at least a 1 car garage.
 - (2) Multi-family, multi-story structures: 700 square feet on the first floor and a total of 1,100 square feet.
- G. Off-street parking shall comply with the provisions of §150-47 of this chapter.

ARTICLE VII, Urban Residential (UR) District

§ 150-22.1 Purpose and uses allowed.

- A. The Urban Residential (UR) District is established to designate areas of the Town for a variety of residential buildings or structures with mixed density and other uses.
- B. Any use not specifically permitted in this Article is not allowed in the Urban Residential (UR) District.

§ 150-22.2 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. Accessory structures, subject to §150-13.
- B. Adult residential-care facility.
- C. Building integrated, roof-mounted and small-scale ground-mounted solar energy systems, subject to §150-42(B)(26).
- D. Conversion of existing building into not more than 3 dwelling units, subject to §150-42(B)(10).
- E. Enclosed storage as an accessory use.
- F. Excavations or fills, subject to §150-42(B)(22).
- G. Family-care facility.
- H. Farm, subject to §150-42(B)(1).
- I. Fences, subject to §150-18.
- J. Home occupation, subject to §150-42(B)(15).
- K. Library, fire station and other municipal building, subject to §150-42(B)(14).
- L. Mobile/manufactured home dwelling, subject to 150-42(B)(8).
- M. Multiple-family (3 Units) Dwelling, subject to §150-42(B)(5).
- N. Newspaper vending machine, subject to §150-42(B)(24).
- O. Private boat, travel or camp trailer, subject to §150-42(B)(25).
- P. Private garage, subject to §150-13.
- Q. Private swimming pool, subject to §150-42(B)(16).
- R. Public utility substation.
- S. Roadside stand, subject to §150-42(B)(3).
- T. Signs, subject to §150-48.
- U. Single-family dwelling.
- V. State regulated community residences, subject to §150-42(B)(11).
- W. Townhouse or row house dwelling, subject to §150-42(B)(5), (6) and (7).

X. Two-family dwelling.

§ 150-22.3 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. Bed and Breakfast facility, subject to §150-42(B)(33).
- B. Cemetery.
- C. Charitable, educational or fraternal organization.
- D. Church and related uses, subject to §150-42(B)(30).
- E. Day-care facility or nursery school, subject to §150-42(B)(12).
- F. Farm labor camp, subject to §150-42(B)(27).
- G. Farm market, subject to §150-42(B)(2).
- H. Golf course.
- I. Hospital/Nursing home, subject to §150-42(B)(31).
- J. Large-scale ground-mounted solar energy systems, subject to §150-42(B)(40).
- K. Mobile home park, subject to §150-42(B)(9).
- L. Multiple-family (4 units or more) dwelling, subject to §150-42(B)(29).
- M. Private, not-for-profit park, playground or other outdoor recreation facility.
- N. Professional office.
- O. Public or parochial school, subject to §150-42(B)(13).
- P. Satellite dish, subject to §150-42(B)(37).
- Q. Short-wave, ham radio, television and radio antennas, subject to §150-42(B)(37).
- R. Tourist home, boardinghouse or rooming house, subject to §150-42(B)(32).

§ 150-22.4 Lot and bulk requirements.

- A. Minimum lot area.
 - (1) The minimum lot area for all residential lots (single-family, two-family and multiple-family) shall be 22,500 square feet, except that the minimum lot area for a single-family lot served by public sewers shall be 18,000 square feet.
 - (2) The minimum lot area for all non-residential lots shall be 18,000 square feet.
- B. Minimum Lot width.
 - (1) The minimum lot width for single-family lots served by a septic system is 125 feet, provided, however, that when an applicant produces engineering data to demonstrate that existing soil conditions on any lot are adequate to produce acceptable percolation tests, in accordance with percolation standards of the New York State Department of Health, the minimum lot width shall be reduced to 100 feet.
 - (2) The minimum lot width for single-family lot served by a public sewer is 100 feet.
 - (3) The minimum lot width for two-family served by a septic system is 125 feet.
 - (4) The minimum lot width for two-family lot served by a public sewer is 100 feet.
 - (5) The minimum lot width for multiple-family lots served by a septic system is 250 feet.
 - (6) The minimum lot width for multiple-family lots served by a public sewer is 200 feet.
 - (7) The minimum lot width for non-residential lots served by a septic system is 125 feet.
 - (8) The minimum lot width for non-residential lots served by a public sewer is 100 feet.
- C. Required setbacks:
 - (1) Front setback:
 - (a) Lots fronting on a state, county or town road: 60 feet
 - (b) Lots fronting on a subdivision road: 50 feet

- (c) If a building permit for a residential structure was issued prior to July 10, 1996, with a 50 foot front setback, such setback shall also apply to an addition to such structure.
- (2) Side setback:
 - (a) Single-family lots: 12 feet on one side and a total of 32 feet for both sides.
 - (a) All other uses: 15 feet on one side and a total of 42 feet for both sides.
- (3) Rear setbacks: 40 feet.
- (4) Patios, decks, pools and unenclosed porches may extend into rear and side yards, but no such structure shall be located less than 10 feet from any property line.
- (5) Cantilevers may extend into front, rear and side yards by no more than two feet.
- (6) All setbacks for a townhouse or row house shall apply to each building, rather than each dwelling unit.
- D. Height. The maximum permitted height of any structure is 36 feet.
- E. Lot coverage. The Maximum Lot Coverage shall not exceed 20% of the total area of the property, except that the Maximum Lot Coverage for a non-residential use shall not exceed 30% of the total area of the property.
- F. Minimum primary structure size:
 - (1) One-story single-family dwellings: 1,050 square feet, plus a 1-car garage.
 - (2) Two-story single family dwellings: 700 square feet on the first floor and a total of 1,050 square feet, plus a 1-car garage.
 - (3) Two-family dwellings: 800 square feet per unit, plus 1 garage space per unit.
 - (3) Multiple-family dwellings: 800 square feet per unit.
- G. Off-street parking shall comply with the provisions of §150-47 of this chapter.

ARTICLE VIII, Business (B) District

§ 150-23.1 Purpose and uses allowed.

- A. The Business (B) District is established to designate areas of the Town for general retail, service and office activities to provide goods and services, residential and other uses.
- B. Any use not specifically permitted in this Article is not allowed in the Business (B) District.

§ 150-23.2 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. Accessory structures, subject to §150-13.
- B. Adult residential-care facility.
- C. Bank, subject to §150-42(B)(17).
- D. Building integrated, roof-mounted and small-scale ground-mounted solar energy systems, subject to §150-42(B)(26).
- E. Business office, subject to §150-42(B)(17).
- F. Convenience store (mart), subject to §150-42(B)(20).
- G. Conversion of existing building into not more than 3 dwelling units, subject to §150-42(B)(10).
- H. Dwellings, one or more, on upper floors of a commercial use.
- I. Enclosed storage as an accessory use.
- J. Excavations or fills, subject to §150-42(B)(22).
- K. Family-care facility.
- L. Farm, subject to §150-42(B)(1).
- M. Fences, subject to §150-18.

- N. Home occupation, subject to §150-42(B)(15).
- O. Library, fire station and other municipal building, subject to §150-42(B)(14).
- P. Mortuary or undertaking establishment.
- Q. Multiple-family (3 Units) dwelling, subject to §150-42(B)(5).
- R. Multiple-family (4 or more units) dwelling, subject to §150-42(B)(6).
- S. Newspaper vending machine, subject to §150-42(B)(24).
- T. Parking, off street lot, subject to §150-42(B)(23).
- U. Personal service establishment.
- V. Plumbing, HVAC, electrical supply or contracting establishment.
- W. Printing/publishing facility.
- X. Private boat, travel or camp trailer, subject to §150-42(B)(25).
- Y. Private garage, subject to §150-13.
- Z. Private swimming pool, subject to §150-42(B)(16).
- AA. Professional office.
- BB. Public utility substation.
- CC. Retail store, subject to §150-42(B)(17).
- DD. Roadside stand, subject to §150-42(B)(3).
- EE. Signs, subject to §150-48.
- FF. Single-family dwelling.
- GG. State regulated community residences, subject to §150-42(B)(11).
- HH. Townhouse or row house dwelling, subject to §150-42(B)(5), (6) and (7).
- II. Two-family dwelling.

§ 150-23.3 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. Bed and Breakfast facility, subject to §150-42(B)(33).
- B. Building material and/or supplies sale (indoor/outdoor), subject to §150-42(B)(21).
- C. Charitable, educational or fraternal organization.
- D. Church and related uses, subject to §150-42(B)(30).
- E. Day-care facility or nursery school, subject to §150-42(B)(12).
- F. Farm labor camp, subject to §150-42(B)(27).
- G. Farm market, subject to §150-42(B)(2).
- H. Garage, commercial, subject to §150-42(B)(20).
- I. General processing, assembly or packaging of previously prepared material, subject to §150-42(B)(35).
- J. Greenhouse or plant nursery.
- K. Hospital/nursing home, subject to §150-42(B)(31).
- L. Indoor theater or recreation, subject to §150-42(B)(17).
- M. Industrial or research park, planned, subject to §150-42(B)(35).
- N. Lawn and garden supply sales and service.
- O. Light manufacturing, subject to §150-42(B)(35).
- P. Ministorage (commercial storage structure), subject to §150-42(B)(19).
- Q. Mobile home park, subject to §150-42(B)(9).
- R. Motor vehicle service station, subject to §150-42(B)(20) and §150-23(B)(21).
- S. Outdoor amusement or recreation.
- T. Private, not-for-profit park, playground or other outdoor recreation facility.
- U. Professional office.
- V. Multiple-family (4 units or more) dwelling, subject to §150-42(B)(29).
- W. Pet shop or veterinary establishment, subject to §150-43(B)(34).

- X. Public or parochial school, subject to §150-42(B)(13).
- Y. Redemption facility, subject to §150-15.
- Z. Restaurant, subject to §150-42(B)(18).
- AA. Satellite dish, subject to §150-42(B)(37).
- BB. Scientific or research lab, subject to §150-42(B)(35).
- CC. Short-wave, ham radio, television and radio antennas, subject to §150-42(B)(37).
- DD. Tourist home, boardinghouse or rooming house, subject to §150-42(B)(32).
- EE. Vehicle washing establishment, subject to §150-42(B)(20).

§ 150-23.4 Lot and bulk requirements.

A. Minimum lot area.

- (1) The minimum lot area for single-family lots served by a septic system shall be 22,500 square feet.
- (2) The minimum lot area for single-family lots served a public sewer shall be 18,000 square feet.
- (3) The minimum lot area for multi-family lots served by a septic system shall be 40,000 square feet plus 5,000 square feet for every dwelling unit over 2.
- (4) The minimum lot area for multi-family lots served a public sewer shall be 22,500 square feet plus 5,000 square feet for every dwelling unit over 2.

B. Minimum Lot width.

- (1) The minimum lot width for single-family lots served by a septic system is 125 feet.
- (2) The minimum lot width for single-family lots served by a public sewer is 150 feet.
- (3) The minimum lot width for two-family served by a septic system is 125 feet.
- (4) The minimum lot width for two-family lot served by a public sewer is 100 feet.
- (5) The minimum lot width for multiple-family lots served by a septic system is 150 feet plus 20 feet for each dwelling unit over 2.
- (6) The minimum lot width for multiple-family lots served by a public sewer is 125 feet plus 10 feet for each dwelling unit over 2.
- (7) The minimum lot width for non-residential lots is 150 feet.

C. Required setbacks:

(1) Front setback:

- (a) Single-family or two-family lots fronting on a state, county or town road: 60 feet
- (b) Single-family or two-family lots fronting on a subdivision road: 50 feet
- (c) If a building permit for a single-family or two-family lot was issued prior to July 10, 1996, with a 50 foot front setback, such setback shall also apply to an addition to such structure.
- (d) Multiple-family lots: 60 feet plus 1 foot for each dwelling unit over 2.
- (e) Non-residential lots: 75 feet. Such front yard area may be used for off-street parking, but no such off-street parking shall be located less than 15 feet from the street line/right-of-way, resulting in a green space of at least 15 feet, running parallel to and contiguous with such street line/right-of-way.

(2) Side setback:

- (a) Single-family lots: 12 feet on one side and a total of 32 feet for both sides.
- (b) Two-family lots: 15 feet on one side and a total of 42 feet.
- (c) Multiple-family lots: 15 feet plus 1 foot for each dwelling unit over 2 on one side and a total of 42 feet.
- (d) All other uses: 25 feet on one side and a total of 50 feet for both sides; provided, however, that where a side yard abuts a residential district, such side yard shall be the same width as that of the abutting residential district and shall be landscaped.

(3) Rear setback:

- (a) Residential lots: 40 feet.
- (b) Non-residential lots: 20 feet.

- (4) Patios, decks, pools and unenclosed porches may extend into rear and side yards, but no such structure shall be located less than 10 feet from any property line.
 - (5) Cantilevers may extend into front, rear and side yards by no more than two feet.
 - (6) All setbacks for a townhouse or row house shall apply to each building, rather than each dwelling unit.
- D. Height. The maximum permitted height of any structure is 36 feet.
 - E. Lot coverage. The Maximum Lot Coverage shall not exceed 20% of the total area of the property, except that the Maximum Lot Coverage for a non-residential use shall not exceed 40% of the total area of the property.
 - F. Minimum primary structure size:
 - (1) One-story single-family dwellings: 1,050 square feet.
 - (2) Two-story single family dwellings: 700 square feet on the first floor and a total of 1,050 square feet.
 - (3) Two-family dwellings: 800 square feet per unit, plus 1 garage space per unit.
 - (3) Multiple-family dwellings: 800 square feet per unit.
 - (4) Non-residential uses: 1,000 square feet.
 - G. Off-street parking shall comply with the provisions of §150-47 of this chapter.

ARTICLE IX, Business Transitional (BT) District

§ 150-24.1 Purpose and uses allowed.

- A. The Business Transitional (BT) District is established to designate areas of the Town for commercial service, storage and light-industrial processing activities, residential and other uses.
- B. Any use not specifically permitted in this Article is not allowed in the Business Transitional (BT) District.

§ 150-24.2 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. Accessory structures, subject to §150-13.
- B. Adult residential-care facility.
- C. Bank, subject to §150-42(B)(17).
- D. Building integrated, roof-mounted and small-scale ground-mounted solar energy systems, subject to §150-42(B)(26).
- E. Business office, subject to §150-42(B)(17).
- F. Conversion of existing building into not more than 3 dwelling units, subject to §150-42(B)(10).
- G. Dwellings, one or more, on upper floors of a commercial use.
- H. Enclosed storage as an accessory use.
- I. Excavations or fills, subject to §150-42(B)(22).
- J. Family-care facility.
- K. Farm, subject to §150-42(B)(1).
- L. Fences, subject to §150-18.
- M. Home occupation, subject to §150-42(B)(15).
- N. Library, fire station and other municipal building, subject to §150-42(B)(14).
- O. Mobile/manufactured home dwelling, subject to §150-42(B)(8).
- P. Mortuary or undertaking establishment.
- Q. Multiple-family (3 units) dwelling, subject to 150-42(B)(5).

- R. Multiple-family (4 or more units) dwelling, subject to §150-42(B)(6).
- S. Municipal storage or repair yard.
- T. Newspaper vending machine, subject to §150-42(B)(24).
- U. Parking, off street lot, subject to §150-42(B)(23).
- V. Personal service establishment.
- W. Plumbing, HVAC, electrical supply or contracting establishment.
- X. Printing/publishing facility.
- Y. Private boat, travel or camp trailer, subject to §150-42(B)(25).
- Z. Private garage, subject to §150-13.
- AA. Private swimming pool, subject to §150-42(B)(16).
- BB. Professional office.
- CC. Public utility substation.
- DD. Retail store, subject to §150-42(B)(17).
- EE. Roadside stand, subject to §150-42(B)(3).
- FF. Signs, subject to §150-48.
- GG. Single-family dwelling.
- HH. State regulated community residences, subject to §150-42(B)(11).
- II. Townhouse or row house dwelling, subject to §150-42(B)(5), (6) and (7).
- LL. Two-family dwelling.

§ 150-24.3 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. Automobile sales and service, new and used, subject to §150-42(B)(21).
- B. Bed and Breakfast facility, subject to §150-42(B)(33).
- C. Building material and/or supplies sale (indoor/outdoor), subject to §150-42(B)(21).
- D. Charitable, educational or fraternal organization.
- E. Church and related uses, subject to §150-42(B)(30).
- F. Convenience store (mart), subject to §150-42(B)(20).
- G. Day-care facility or nursery school, subject to §150-42(B)(12).
- H. Farm labor camp, subject to §150-42(B)(27).
- I. Farm market, subject to §150-42(B)(2).
- J. Food processing facility, subject to §150-42(B)(35).
- K. Garage, commercial, subject to §150-42(B)(20).
- L. General processing, assembly or packaging of previously prepared material, subject to §150-42(B)(35).
- M. Greenhouse or plant nursery.
- N. Hospital/nursing home, subject to §150-42(B)(31).
- O. Indoor theater or recreation, subject to §150-42(B)(17).
- P. Industrial or research park, planned, subject to §150-42(B)(35).
- Q. Lawn and garden supply sales and service.
- R. Light manufacturing, subject to §150-42(B)(35).
- S. Ministorage (commercial storage structure), subject to §150-42(B)(19).
- T. Mobile home park, subject to §150-42(B)(9).
- U. Motor vehicle service station, subject to §150-42(B)(20) and §150-42(B)(21).
- V. Outdoor amusement or recreation.
- W. Outdoor facility for retail sale of boats, trailers or furniture, subject to §150-42(B)(21).
- X. Private, not-for-profit park, playground or other outdoor recreation facility.
- Y. Professional office.

- Z. Multiple-family (4 units or more) dwelling, subject to §150-42(B)(29).
- AA. Pet shop or veterinary establishment, subject to §150-42(B)(34).
- BB. Public or parochial school, subject to §150-42(B)(13).
- CC. Redemption facility, subject to §150-15.
- DD. Restaurant, subject to §150-42(B)(18).
- EE. Satellite dish, subject to §150-42(B)(37).
- FF. Scientific or research lab, subject to §150-42(B)(35).
- GG. Short-wave, ham radio, television and radio antennas, subject to §150-42(B)(37).
- HH. Tourist home, boardinghouse or rooming house, subject to §150-42(B)(32).
- II. Vehicle body shop, subject to §150-42(B)(36).
- JJ. Vehicle washing establishment, subject to §150-42(B)(20).

§ 150-24.4 Lot and bulk requirements.

- A. Minimum lot area.
 - (1) The minimum lot area for single-family lots served by a septic system shall be 22,500 square feet.
 - (2) The minimum lot area for single-family lots served a public sewer shall be 18,000 square feet.
 - (3) The minimum lot area for multi-family lots served by a septic system shall be 40,000 square feet plus 5,000 square feet for every dwelling unit over 2.
 - (4) The minimum lot area for multi-family lots served a public sewer shall be 22,500 square feet plus 5,000 square feet for every dwelling unit over 2.
- B. Minimum Lot width.
 - (1) The minimum lot width for single-family lots served by a septic system is 125 feet.
 - (2) The minimum lot width for single-family lots served by a public sewer is 150 feet.
 - (3) The minimum lot width for two-family served by a septic system is 125 feet.
 - (4) The minimum lot width for two-family lot served by a public sewer is 100 feet.
 - (5) The minimum lot width for multiple-family lots served by a septic system is 150 feet plus 20 feet for each dwelling unit over 2.
 - (6) The minimum lot width for multiple-family lots served by a public sewer is 125 feet plus 10 feet for each dwelling unit over 2.
 - (7) The minimum lot width for non-residential lots is 150 feet.
- C. Required setbacks:
 - (1) Front setback:
 - (a) Single-family or two-family lots fronting on a state, county or town road: 60 feet
 - (b) Single-family or two-family lots fronting on a subdivision road: 50 feet
 - (c) If a building permit for a single-family or two-family lot was issued prior to July 10, 1996, with a 50 foot front setback, such setback shall also apply to an addition to such structure.
 - (d) Multiple-family lots: 60 feet plus 1 foot for each dwelling unit over 2.
 - (e) Non-residential lots: 75 feet. Such front yard area may be used for off-street parking, but no such off-street parking shall be located less than 15 feet from the street line/right-of-way, resulting in a green space of at least 15 feet, running parallel to and contiguous with such street line/right-of-way.
 - (2) Side setback:
 - (a) Single-family lots: 12 feet on one side and a total of 32 feet for both sides.
 - (b) Two-family lots: 15 feet on one side and a total of 42 feet.
 - (c) Multiple-family lots: 15 feet plus 1 foot for each dwelling unit over 2 on one side and a total of 42 feet.
 - (d) All other uses: 25 feet on one side and a total of 50 feet for both sides; provided, however, that where a side yard abuts a residential district, such side yard shall be the same width as that of the abutting residential district and shall be landscaped.

- (3) Rear setback:
 - (a) Residential lots: 40 feet.
 - (b) Non-residential lots: 20 feet.
 - (4) Patios, decks, pools and unenclosed porches may extend into rear and side yards, but no such structure shall be located less than 10 feet from any property line.
 - (5) Cantilevers may extend into front, rear and side yards by no more than two feet.
 - (6) All setbacks for a townhouse or row house shall apply to each building, rather than each dwelling unit.
- D. Height. The maximum permitted height of any structure is 36 feet.
 - E. Lot coverage. The Maximum Lot Coverage shall not exceed 20% of the total area of the property, except that the Maximum Lot Coverage for a non-residential use shall not exceed 40% of the total area of the property.
 - F. Minimum primary structure size:
 - (1) One-story single-family dwellings: 1,050 square feet.
 - (2) Two-story single family dwellings: 700 square feet on the first floor and a total of 1,050 square feet.
 - (3) Two-family dwellings: 800 square feet per unit, plus 1 garage space per unit.
 - (3) Multiple-family dwellings: 800 square feet per unit.
 - (4) Non-residential uses: 1,000 square feet.
 - G. Off-street parking shall comply with the provisions of §150-47 of this chapter.

ARTICLE X, Industrial (I) District

§ 150-25.1 Purpose and uses allowed.

- A. The Industrial (I) District is established to designate areas of the Town for public utilities, light industrial, heavy industrial and other uses.
- B. Any use not specifically permitted in this Article is not allowed in the Industrial (I) District.

§ 150-25.2 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. Accessory structures, subject to §150-13.
- B. Building integrated, roof-mounted and small-scale ground-mounted solar energy systems, subject to §150-42(B)(26).
- C. Excavations or fills, subject to §150-42(B)(22).
- D. Enclosed storage as an accessory use.
- E. Farm, subject to §150-42(B)(1).
- F. Fences, subject to §150-18.
- G. Home occupation, subject to §150-42(B)(15).
- H. Library, fire station and other municipal building, subject to §150-42(B)(14).
- I. Municipal storage or repair yard.
- J. Newspaper vending machine, subject to §150-42(B)(24).
- K. Parking, off street lot, subject to §150-42(B)(23).
- L. Plumbing, HVAC, electrical supply or contracting establishment.
- M. Printing/publishing facility.
- N. Private boat, travel or camp trailer, subject to §150-42(B)(25).
- O. Professional office.

- P. Public utility substation.
- Q. Roadside stand, subject to §150-42(B)(3).
- R. Signs, subject to §150-48.
- S. Vehicle body shop.

§ 150-25.3 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. Alternative energy supply systems (except building integrated, roof-mounted and small-scale ground-mounted solar energy systems), subject to §150-42(B)(38).
- B. Bank, subject to §150-42(B)(17).
- C. Building material and/or supplies sale (indoor/outdoor), subject to §150-42(B)(21).
- D. Business office, subject to §150-42(B)(17).
- E. Convenience store (mart), subject to §150-42(B)(20).
- F. Fabrication or storage of metal/paper/wood products, subject to §150-42(B)(35).
- G. Farm labor camp, subject to §150-42(B)(27).
- H. Food processing facility, subject to §150-42(B)(36).
- I. Garage, commercial, subject to §150-42(B)(20).
- J. General processing, assembly or packaging of previously prepared material, subject to §150-42(B)(35).
- K. Greenhouse or plant nursery.
- L. Indoor theater or recreation, subject to §150-42(B)(17).
- M. Industrial or research park, planned, subject to §150-42(B)(35).
- N. Lawn and garden supply sales and service.
- O. Light manufacturing, subject to §150-42(B)(35).
- P. Ministorage (commercial storage structure), subject to §150-42(B)(19).
- Q. Motor vehicle service station, subject to §150-42(B)(20) and §150-42(B)(21).
- R. Outdoor facility for retail sale of boats, trailers or furniture, subject to §150-42(B)(21).
- S. Multiple-family (4 units or more) dwelling, subject to §150-42(B)(29).
- T. Redemption facility, subject to §150-15.
- U. Restaurant, subject to §150-42(B)(18).
- V. Retail store, subject to §150-42(B)(17).
- W. Satellite dish, subject to §150-42(B)(37).
- X. Scientific or research lab, subject to §150-42(B)(35).
- Y. Short-wave, ham radio, television and radio antennas, subject to §150-42(B)(37).
- Z. Solid waste transfer station, subject to §150-15.
- AA. Truck and motor freight terminal.
- BB. Vehicle washing establishment, subject to §150-42(B)(20).

§ 150-25.4 Lot and bulk requirements.

- A. Minimum lot area: 43,560 square feet.
- B. Minimum Lot width: 125 feet
- C. Required setbacks:
 - (1) Front setback:
 - (a) Single-family or two-family lots fronting on a state, county or town road: 60 feet
 - (b) Single-family or two-family lots fronting on a subdivision road: 50 feet
 - (c) If a building permit for a single-family or two-family lot was issued prior to July 10, 1996, with a 50 foot front setback, such setback shall also apply to an addition to such structure.
 - (d) Multiple-family lots: 60 feet plus 1 foot for each dwelling unit over 2.

- (e) Non-residential lots: 75 feet. Such front yard area may be used for off-street parking, but no such off-street parking shall be located less than 15 feet from the street line/right-of-way, resulting in a green space of at least 15 feet, running parallel to and contiguous with such street line/right-of-way.
- (2) Side setback: 15 feet on one side and a total of 42 feet for both sides.
- (3) Rear setback: 40 feet.
- (4) Cantilevers may extend into front, rear and side yards by no more than two feet.
- D. Height. The maximum permitted height of any structure is 36 feet.
- E. Lot coverage. The Maximum Lot Coverage shall not exceed 50% of the total area of the property.
- F. Minimum primary structure size: 1,000 square feet.
- G. All lots are required to be served by a public sewer system.
- H. Off-street parking shall comply with the provisions of §150-47 of this chapter.

ARTICLE XI, Public Utility (PU) District

§ 150-26.1 Purpose and uses allowed.

- A. The Public Utility (PU) District is established to designate areas of the Town for use by a public utility plant and associated facilities. This district may not be used as an area for permanent hazardous waste storage and disposal.
- B. Any use not specifically permitted in this Article is not allowed in the Public Utility (PU) District

§ 150-26.2 Permitted uses.

- A. In the Public Utility Districts, only the following structures, buildings and uses shall be permitted:
 - (1) Those uses incidental to the generation and distribution of electric power.
 - (2) Those structures and uses complying with the requirements of federal and state regulations.
 - (3) Hazardous waste produced on-site may be stored on-site.
 - (4) Those uses incidental to the providing of telephone service, natural gas service, cable service, cellular phone service and any other public utility.
- B. In addition to all other required approvals, approval by the Town Board must be obtained, following recommendations from the Planning Board to the Town Board.
- C. Should the public utility use be discontinued, the use of this district will revert to the use of the contiguous district(s).

ARTICLE XII, Adult Entertainment/Industrial (AE/I) District

§150-27.1 Findings and intent.

It is the purpose of this article to regulate sexually oriented businesses, to promote the health, safety, morals and general welfare of the citizens of the Town of Ontario and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Ontario. The provisions of this article have neither the purpose nor the intent of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the purpose or the intent of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States, the State of New York or to

deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the purpose or the intent of this article to condone or legitimize the distribution of obscene materials.

§ 150-27.2 Purpose and uses allowed.

- A. The Adult Entertainment/Industrial (AE/I) District is established to designate areas of the Town for public utilities, light industrial, heavy industrial, adult entertainment and other uses.
- B. Any use not specifically permitted in this Article is not allowed in the Adult Entertainment/Industrial (AE/I) District.

§150-27.3 Word usage; definitions.

- A. In the interpretation of this article, the following rules apply:
 - (1) Words used in the present tense include the future tense.
 - (2) The singular includes the plural.
 - (3) The word "person" includes a corporation as well as an individual.
 - (4) The word "lot" includes the words "plot" or "parcel."
 - (5) The term "used" or "occupied" is applied to any land or structure and shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."
- B. The following definitions shall apply in this article:

ADULT ARCADE - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE - A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, film, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be defined as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration of the specified materials which depict or describe specified sexual activities or specified anatomical areas.

ADULT CABARET - A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or photographic reproductions which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT MOTEL - A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified

anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

- B. Offers sleeping room for rent for a period of time that is less than 10 hours; or
- C. Allow a tenant or occupant of a sleeping room to sub-rent the room of a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER - A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction of specified sexual activities or specified anatomical areas.

ADULT THEATER - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT VIDEO STORE - See "adult bookstore."

ADULT USES - Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion-picture theaters, adult theaters, adult video stores, escort agencies and sexual encounter centers.

ESCORT - A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY - A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT - Any of the following:

- A. The opening or commencement of any sexually oriented business as a new business.
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
- C. The addition of any sexually oriented business to any other existing sexually oriented business.
- D. The relocation of any sexually oriented business.

NUDITY - The appearance of human bare buttocks, anus, genitals or full female breast.

PERSON - An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMI-NUDE - A state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female person and/or persons of the same sex when one or more of the persons are in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency or sexual encounter center.

SPECIFIED ANATOMICAL AREAS - The male genitals and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES - Any of the following:

- A. The fondling or other touching of human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A, B or C of this definition.

SUBSTANTIAL ENLARGEMENT - The increase in floor areas occupied by a sexually oriented business by more than 25% of the floor area as it exists on the effective date of this chapter.

TRANSFER OF OWNERSHIP OR CONTROL - Includes any of the following:

- A. The sale, lease or sublease of a sexually oriented business.
- B. The transfer of securities which constitute a controlling interest in a sexually oriented business, whether by sale, exchange or similar means.
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of a sexually oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

§ 150-27.4 Permitted uses.

The following principal and accessory uses and structures are permitted:

- A. All principal and accessory uses and structures allowed in §150-25.2 of this chapter.

§ 150-27.5 Special use permit uses.

The following principal and accessory uses and structures may be permitted pursuant to a Special permit issued in accordance with the provisions of §150-43:

- A. All principal and accessory uses and structures allowed in §150-25.3 of this chapter, subject to the same requirements as contained therein.

§150-27.6 Adult uses permitted.

Adult uses are permitted in the AE/I District, provided that:

- A. An adult use may not be operated within 1,000 feet of:
 - (1) A church, synagogue or regular place of worship;
 - (2) A public or private elementary school, secondary school or licensed child day-care center;
 - (3) A boundary of any residence or residential zoning district; or
 - (4) A public park.
- B. An adult use may not be operated within 1,000 feet of another adult use or on the same lot or parcel of land.
- C. An adult use may not be operated in the same building, structure or portion thereof containing another adult use.
- D. For the purposes of this article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult use is conducted to the nearest property line of the premises of a church or

public or private elementary school, secondary school or licensed child day-care center or to the nearest boundary of an affected public park, residential district or residential lot.

- E. For the purposes of this article, the distance between any two adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- F. All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by this chapter shall be able to see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows that area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.

§ 150-27.7 Lot and bulk requirements.

- A. The lot and bulk requirements set forth in §150-25.4 of this chapter shall fully apply in AE/I district.

§150-27.8 Adult use inspection requirement.

- A. Prior to the commencement of any adult use business or upon any transfer of ownership or control, the premises must be inspected and found to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for an adult use business and in compliance with this chapter.
- B. All code enforcement officials, including the Code Enforcement Officer, shall complete their certification that the premises are in compliance or not in compliance within 20 days of the inspection of the premises by such officials.
- C. Any owner and/or operator, employee of the owner and/or operator or agent of the owner and/or operator shall permit representatives of the Town Building Department, the Wayne County Sheriff's Department, the New York State Police, the State Health Department, the Code Enforcement Officer or any other Town, county or state department or agency that has permitting authority regarding the use of the premises to inspect the premises of an adult use business for the purpose of ensuring compliance with this chapter at any time it is occupied or open for business.

§150-27.9 Nonconforming adult use.

- A. Any adult use business lawfully operating on the effective date of this article that is in violation of the location or structural configuration requirements of this article shall be deemed a nonconforming use. The continuation of the same use of substantially the same character and intensity shall be allowed. The nonconforming use will be permitted to continue unless terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the adult use business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
- B. Any adult use business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the operation of the adult use business, of a church, public or private elementary school or secondary school, public park, residential zoning district or a residential lot within 1,000 feet of the adult use business.

§150-27.10 Adult use certificates of occupancy; fee.

A certificate of occupancy for an adult use is required and shall be valid for a one-year period only. Such certificate of occupancy must be renewed on an annual basis and must be approved by the Town Board of the Town of Ontario after initial approval has been given by the Code Enforcement Officer. Such certificate of occupancy shall only be renewed after inspection by the Code Enforcement Officer to confirm that the adult use business is in full compliance with the terms of this article. The annual fee for such certificate of occupancy shall be a sum as set forth in the Town of Ontario Fee Schedule approved by resolution of the Town Board and on file with the Town Clerk.

§150-27.11 Duration of building permits for adult uses.

A. The duration of a building permit for an adult use shall be for a period of six months. If construction has not been started within the six-month period, then the permit shall lapse and shall be of no force and effect.

§150-27.12 Violations relating to an adult use.

It shall be deemed a violation of this article if the owner and/or operator, an employee of the owner and/or operator or an agent of the owner and/or operator of an adult use:

- A. Has violated or is not in compliance with any section of this article.
- B. Has refused to allow an inspection of the adult use business premises as authorized by this article.
- C. Has had gambling take place on the adult use business premises.
- D. Has had the possession, use or sale of a controlled substance occur on the premises.
- E. Has had prostitution occur on the premises.
- F. Has had any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct occur on the premises.

§150-27.13 Penalties for offenses relating to an adult use.

A violation of this article relating to an adult use shall be punishable as a violation by a fine not to exceed \$250 or by imprisonment for a period not to exceed 15 days, or both for the first offense. For the second and each subsequent offense punishment shall be by a fine not to exceed \$500 or by imprisonment for a term not to exceed 45 days, or both. Each week in which the violation continues shall constitute a separate additional violation. In addition, the Town Board shall have such other remedies as are provided by law to enforce the provisions of this article.

Sec. 6 Amendment to Town Code Section 150-36

Section 150-36 is hereby amended, to read as follows:

§ 150-36 Applicability.

A. Any land use or activity requiring site plan review and approval by the Town Planning Board shall comply with the provisions of this Article XIV. No building or use permit shall be issued by the Code Enforcement Officer until approval of such site plan, with or without conditions, has been given by the Planning Board.

B. All land uses and/or activities shall require an approved site plan, except for the following:

- (1) Accessory structures.
- (2) Building integrated, roof-mounted and small-scale ground-mounted solar energy system.
- (3) Enclosed storage as an accessory use.
- (4) Farm.
- (5) Newspaper vending machine.
- (6) Private boat, travel or camp trailer.
- (7) Private garage.
- (8) Roadside stand.
- (9) Satellite dish.
- (10) Short-wave/ham radio antenna.
- (11) Sign.
- (12) Winery.

Sec. 7 Amendment to Town Code Section 150-42

Section 150-42 is hereby amended, to read as follows:

§ 150-42 Special conditions.

A. The special conditions set forth in this section shall be met, prior to the Code Enforcement Officer issuing a building or use permit for the applicable use, unless any such special condition shall have been waived or modified by the reviewing agency, if such waiver is deemed appropriate and in the best interest of the Town and if the spirit and intent of this chapter can be maintained. Any decision to waive or modify any special condition shall be set forth in writing, with the reason for such modification or waiver being set forth by the reviewing agency.

B. The following special conditions shall apply to the following specific uses:

(1) Farms shall comply with the following:

- (a) No odor- or dust-producing uses, including the storage of manure, shall take place within 150 feet from the nearest lot line, except that it is permissible to store and use, within the above limits, dust or spray material necessary to protect fruits, vegetables and farm crops from disease and insects.
- (b) No hogs or chickens of any kind shall be kept except as an incidental part of a general farm operation.
- (c) Fowl of any kind or livestock, including horses, shall only be kept on parcels of five acres or more in area or in a building, no part of which is closer to any property line than 150 feet.
- (d) No garbage or refuse, other than that produced on the premises, is used for feed.
- (e) In the Rural District only, with more than five acres, the sale of farm products produced on owner's property and related seasonal products is permitted.

(2) Farm markets shall comply with the following:

- (a) Any such farm market shall be located on a single tax parcel containing not less than five acres.

- (b) The maximum building area devoted to farm market retail sales shall not exceed 10,000 square feet. Accessory growing structures are permitted, provided that all structures maintain a fifty-foot setback from all property lines.
 - (c) Farm market operations may be conducted 12 months per year.
 - (d) Outside storage and display of produce and plant materials is permitted on all portions of the property, with the exception of areas where traffic sight distance will be impacted. No outside storage and/or display of materials is permitted within a public right-of-way.
 - (e) Outside storage and display shall be not less than 50 feet from all property lines. The total square footage of all storage and display areas shall not exceed 25% of the square footage of the principal farm market structure.
- (3) Permanent roadside stands shall comply with the following:
- (a) Such stand sells only those products grown on the owner's property.
 - (b) Such stand is set back from the highway right-of-way line at least 10 feet.
- (4) Riding academies, commercial stables and private stables shall comply with the following:
- (a) Any building or structure used for the lodging or feeding of animals must be located at least 150 feet from any side and rear property line or from any highway right-of-way line.
 - (b) A private stable, riding academy or commercial stable shall comply with the provisions of §150-42(B)(1) of this section.
- (5) Multiple dwellings (three units) shall have adequate off-street parking, in compliance with the provisions of §150-47(A) of this chapter.
- (6) Multiple dwellings (four or more units) shall comply with the following:
- (a) Required off-street parking must be provided, in compliance with the provisions of §150-47(A) of this chapter.
 - (b) Where there are two or more structures containing multiple dwellings on the same lot, there shall be provided a distance between structures which shall not be less than 1 1/2 times the average height of the adjoining structures.
 - (c) All parking areas shall be landscaped and screened.
- (7) Townhouses or row houses shall comply with the following:
- (a) No more than six such attached dwellings shall be included in any single building.
 - (b) All parking areas shall be landscaped and screened and shall be in compliance with the provisions of §150-47(A) of this chapter.
 - (c) A dumpster must be provided for residential trash generated on site, which shall be landscaped and screened from public view.
- (8) Mobile home dwellings shall comply with the following:
- (a) Such mobile home must be located in a mobile home park, as defined and regulated in this chapter. (See §150-51.)
 - (b) The Code Enforcement Officer may issue a temporary permit for not more than one mobile home, not located in a mobile home park, to the owner of property who first

procures a permit to build upon such property and desires to live in said mobile home during the construction period. Such temporary permit may be revoked on 10 days' notice to the owner of the property and may be revoked by the Inspector if construction of the building for which the temporary permit has been issued does not commence within three months' time or is terminated. Such mobile home shall be immediately removed from the construction site following the revocation of the temporary permit or issuance of a permanent certificate of occupancy.

- (9) Mobile home parks shall comply with the following:
- (a) Such mobile home park shall be an extension of or an improvement to an existing mobile home park.
 - (b) Such mobile home park shall comply with the provisions of §150-51 of this chapter.
- (10) The conversion of an existing building into not more than three dwelling units shall comply with the following:
- (a) The area of the lot shall be at least 70% of the minimum lot area that would be required for new construction of the equivalent number of dwelling units, unless otherwise approved as part of site plan approval.
 - (b) The minimum side yard requirements for the district shall be met.
 - (c) Parking requirements shall be met, and no parking space shall be located closer than five feet to any side lot line.
 - (d) Such conversion shall meet the applicable regulations of the New York State Uniform Fire Prevention and Building Code.
- (11) State-regulated community residences shall comply with all applicable provisions of the Mental Hygiene Law.
- (12) Day-care facilities or nursery schools shall comply with all applicable state and local codes.
- (13) Public or parochial schools shall comply with the following:
- (a) A landscaped buffer area shall be provided between any playground and an abutting lot.
 - (b) No more than 50% of the lot shall be covered by buildings and pavement. Areas not so covered shall be improved with grass, ground cover, shrubs and/or trees.
- (14) Public parks, playgrounds, libraries, fire stations and other municipal buildings shall be permitted when a site plan has been approved by the Planning Board, in accordance with the regulations of the Town of Ontario. The Town Board, by majority vote, may override any condition set by the Planning Board.
- (15) Home occupations shall comply with the following:
- (a) Such use shall be located in an owner-occupied dwelling unit and on the same lot. No more than 35% of such dwelling may be so used for above occupation.
 - (b) Such use shall be conducted by persons living in the dwelling unit and not more than one additional person who does not live in such unit.
 - (c) All activity, including storage, shall be conducted entirely within the dwelling unit or accessory building, and no special construction or structural alteration is required.

- (d) The use shall not display or create outside the building any evidence of the home occupation, except that one non-illuminated sign, not more than three square feet, may be posted.
 - (e) No offensive traffic, noise, odor, smoke, dust, heat, glare or electrical disturbance shall be produced by the home occupation.
- (16) Private swimming pools shall be permitted only when in compliance with all applicable Town regulations.
- (17) Retail stores, banks, business offices, indoor theaters and indoor recreation facilities shall comply with the following:
- (a) Access drives to parking lots shall be a minimum of 18 feet in width for one-way traffic, a minimum of 24 feet in width for two-way traffic and a maximum of 30 feet in width and must be well defined by curbs or landscaping.
 - (b) Common drives on property are encouraged.
- (18) Restaurants, hotels and motels shall provide that any outdoor dining or service be located so as to not obstruct sidewalks or other public property.
- (19) Storage structures (ministorage) shall comply with the following:
- (a) Access drives to parking and storage areas shall be a minimum of 18 feet in width for one-way traffic, a minimum of 24 feet in width for two-way traffic and a maximum of 30 feet in width and must be well defined by curbs or landscaping.
 - (b) No more than 50% of any required front yard area shall be paved. Any unpaved area on the site shall be improved with trees, shrubs, ground cover and other form of landscaping.
- (20) Convenience marts; motor vehicle service stations; commercial garages; and car-washing establishments shall comply with the following:
- (a) No access or egress driveway shall have its center line located less than 50 feet from the intersection of any two street right-of-way lines.
 - (b) Access drives shall be a minimum of 18 feet in width for one-way traffic, a minimum of 24 feet in width for two-way traffic and a maximum of 30 feet in width and must be well defined by curbs or landscaping.
 - (c) Any stored liquid fuel, oil or similar substance shall be stored in compliance with state and federal regulations.
 - (d) No major repair work is conducted outside of a structure and all automobile parts, dismantled vehicles and similar articles are stored inside a structure.
 - (e) Landscaping shall be provided adjacent to all public streets.
- (21) New and used automobile sales, service or repair; motor vehicle service stations; outdoor facilities for the retail sale of boats, trailers, furniture and similar goods; and indoor or outdoor sale of building material and supplies shall comply with the following:
- (a) Access drives shall be a minimum of 18 feet in width for one-way traffic, a minimum of 24 feet in width for two-way traffic and a maximum of 30 feet in width and must be well defined by curbs or landscaping.
 - (b) Outdoor lighting shall be located and designed so as not to produce glare on adjacent streets and properties.

- (c) Landscaping shall be provided adjacent to all public streets.
- (22) Excavations or fills are permitted only in compliance with the provisions of Chapter 75 of this Code.
- (23) Off-street parking lots shall comply with the following:
 - (a) Access drives shall be a minimum of 18 feet in width for one-way traffic, a minimum of 24 feet in width for two-way traffic and a maximum of 30 feet in width and must be well defined by curbs or landscaping.
 - (b) A landscaped buffer strip shall be provided between such use and any adjacent residential lot.
- (24) Newspaper vending machines shall comply with the following:
 - (a) Such machine shall not be attached or secured in any way to any pipe, pole, tree or standard owned or controlled by the state, county or Town.
 - (b) The location of such machine shall be no less than 25 feet from the intersection of two curblines or edge-of-pavement lines.
 - (c) The location of such machine shall not reduce the unobstructed width of any sidewalk to less than 40 inches.
- (25) Private boats, recreational vehicles, travel or camp trailers shall comply with the following:
 - (a) No such boat, trailer or similar recreational equipment or recreational vehicle shall be parked or stored out-of-doors on a lot upon which a principal building does not exist, unless such a vehicle is stored in excess of 200 feet from the front property line.
 - (b) All boats, boat trailers, recreational trailers and recreational vehicles shall be parked or stored in a secure manner so as to avoid being a safety hazard.
 - (c) Visiting trailers at private residences in R-1 and R-2 Districts may obtain a permit to remain for a period of six months, as long as the trailer sets behind the front line of the house, does not encroach upon the side yard setback and it does not create a detriment to the health, safety or welfare of the neighborhood or community. Visiting trailers at private residences in SR and UR Districts may obtain a permit for 90 days per year. The Code Enforcement Officer shall check on those conditions at least once every 90 days. These trailers are to be used for sleeping purposes only.
- (26) Building-integrated, roof-mounted and small scale ground-mounted solar energy systems shall comply with the following:
 - (a) Shall be designed and installed in conformance with current International Building Code requirements, as incorporated into the New York State Uniform Code, and manufacturer's suggestions. In case of conflict between these sources, the International Building Code shall control.
 - (b) Roof-mounted solar energy systems:
 - [1] Are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
 - [2] Shall not exceed the maximum height restrictions of the zoning district in which they are located, including the same height exceptions granted to building-mounted mechanical devices or equipment.
 - [3] Shall incorporate the following design requirements:

[a] Panels installed on a sloping roof facing the front yard must be mounted at the same angle as the roof's surface, with a maximum distance of 18 inches between the roof and the highest edge of the system.

[b] Panels installed on a flat or near-flat roof shall be screened by a parapet wall or other screening materials at the same height as the top of the panels.

[c] All flat and near-flat roof installations shall provide a perimeter area around the edges of the roof for emergency access and maintenance work. Larger buildings may be required to provide internal walkways to equipment, access hatches, stairways, ladders, and other roof penetrations or equipment.

[d] All solar panels shall have an antireflective coating.

(c) Small-scale ground-mounted solar energy systems:

[1] Shall be designed and installed in conformance with current International Building Code requirements, as incorporated into the New York State Uniform Code, and manufacturer's suggestions. In case of conflict between these sources, the International Building Code shall control.

[2] Are limited to a maximum of 20% of lot coverage. Further, the surface area covered by ground-mounted solar panels shall be included in the total lot coverage allowed in the applicable zoning district. Such area shall be based upon square feet of solar panel surfaces.

[3] Shall have a maximum height of 10 feet.

[4] Shall be installed in the side or rear yards, only, with a minimum setback of 25 feet to any adjoining property lines.

[5] All solar panels shall have an antireflective coating.

(27) Farm labor camps shall comply with the following:

(a) All structures shall be set back a minimum of 200 feet from any road or highway.

(b) A landscaped buffer strip shall be planted to screen any structures from an adjacent highway.

(c) Such camps and structures shall comply with all applicable state, county and federal regulations.

(28) Kennels shall comply with the following:

(a) In the R1 or R2 District, all structures, pens and exercise runways shall be located at least 300 feet from any property line. A minimum of five acres is required to operate a kennel.

(b) In the BT or I District, the following shall apply:

[1] A noise and visual barrier consisting of a suitable fence or dense vegetative planting shall be provided, fully encircling all kennel areas not enclosed in a building.

[2] All animals shall be confined to an individual crate or cage and within a building between the hours of 8:00 p.m. and 6:30 a.m.

- [3] No noticeable odors or offensive noise shall be emitted from the site.
- [4] There shall be no incineration of waste and/or refuse on the site.
- [5] There shall be no breeding of animals on the site.
- [6] The reviewing agency shall also consider the following:
 - [a] Provisions for controlling noticeable odor and offensive noise.
 - [b] Disposal plan for animal waste.
 - [c] Supervision of animals, particularly when outside a building.
 - [d] Adequacy of outdoor areas, including size, number of areas and separation of areas with visual buffering.
 - [e] Soundproofing methods for buildings.
 - [f] Maximum number of animals to be maintained.
 - [g] Hours of operation.
 - [h] Existing or proposed natural or man-made barriers.
 - [i] Other factors which the reviewing agency reasonably determines are appropriate to prevent and/or mitigate negative effects to adjoining properties and the neighborhood.

(29) Multiple dwellings (four or more units) shall comply with the following:

- (a) A landscaping and drainage plan shall be approved by the Planning Board.
- (b) No more than 50% of any required front yard area shall be paved. All unpaved areas on the site shall be improved with trees, shrubs, ground cover and other forms of landscaping.
- (c) In the case of two or more structures or buildings on the same lot containing multiple dwellings, there shall be provided a distance between structures or buildings which shall not be less than 1 1/2 times the average height of the adjoining structures.

(30) Churches and related uses shall comply with the following:

- (a) Such project shall be sponsored by an organization legally established and registered in the State of New York.
- (b) Landscaping shall be provided around parking lots and adjacent to all public streets.
- (c) The facility must be used as a church facility for religious purposes more than 70% of the time.

(31) Hospitals and nursing homes shall comply with the following:

- (a) No more than 50% of the gross lot area shall be covered with impermeable surfaces, including buildings and pavement.
- (b) No more than 50% of any required front yard shall be paved.
- (c) Landscaping shall be provided around parking lots and adjacent to all public streets.

(32) Tourist, boarding or rooming houses shall comply with the following:

- (a) Any dwelling so used shall be occupied by its owner and shall contain no more than six rooms to rent or lease for profit.

- (b) No more than 50% of any required front yard area shall be paved or used for parking.
 - (c) One sign advertising such use shall be permitted, six square feet in area, and, if illuminated, shall not be flashing.
- (33) Bed-and-breakfast facilities shall comply with the following:
- (a) Any dwelling so used shall be occupied by its owner and shall contain no more than six rooms to let for profit.
 - (b) One sign advertising such use shall be permitted, six square feet in area, and, if illuminated, shall not be flashing.
- (34) Pet shops and veterinary establishments shall comply with the following:
- (a) There shall be no outdoor storage of refuse, feed or other material and no on-site incineration of refuse.
 - (b) A landscaped buffer strip shall be provided along the side and rear property lines that are adjacent to any residential lot.
- (35) Food-processing facilities; planned industrial research parks; scientific or research laboratories; fabrication or storage of metal, paper or wood products; general processing, assembly or packaging of previously prepared materials; and light manufacturing shall comply with the following:
- (a) Dust, smoke, smog, observable gas, fumes, odors or other atmospheric pollutants shall be limited, and such emission shall be in conformity with all government rules and regulations.
 - (b) Noise, glare or vibration shall not be created.
 - (c) No activity shall create a physical hazard to persons or property by reason of fire, explosion or radiation.
 - (d) There shall be no discharge of any liquid or solid waste into any stream or body of water or into any disposal system that may contaminate any water supply or groundwater.
 - (e) All industrial processes shall take place within an enclosed building. Incidental storage of materials out-of-doors is permitted.
 - (f) The discharge of radioactive gases or liquid effluents shall be maintained within the limits specified by the New York State Department of Health and by the United States Atomic Energy Commission. Evidence of such compliance shall be provided to the Town Health Officer upon request.
 - (g) There shall be no storage of material, either indoors or outdoors, which results in the breeding of vermin or endangers health in any way.
 - (h) All such uses shall be set back from any side or rear property line a distance adequate to enable access by fire-fighting equipment.
 - (i) A planted and maintained buffer strip shall be provided for a visual screen between the industrial use and abutting residential or business districts.
 - (j) All applicable requirements of the New York State Uniform Fire Prevention and Building Code shall apply and are incorporated herein.
- (36) Vehicle body shops shall provide that areas used for the temporary parking of vehicles

awaiting repair be at least 15 feet from any property line and shall be screened from direct public view by landscaping or a solid fence, as approved by the reviewing agency.

- (37) Satellite dishes, short-wave antennas, ham radio towers and television and radio antennas shall comply with the following:
- (a) Receivers shall not be located in any front or side yard area unless no other location is technically or physically feasible.
 - (b) Satellite dish receivers shall not be mounted on the roof of any building or vehicle except if the receiver is 36 inches or less in diameter.
- (38) Alternative energy supply systems shall comply with the following:
- (a) Alternative energy supply systems shall be appropriately screened from adjoining properties and rights-of-way. Wind energy collectors (including windmills and wind turbines) and solar and geothermal residential systems in residential districts that are not physically a part of the principal structure (such as solar panels) shall not be located in the front yard, with the exception of solar-powered lights. The minimum lot size required for wind energy collectors in residential districts is five acres.
 - (b) Each application for a wind energy collector shall be accompanied by a complete plan, drawn to scale, showing the location of any tower on the lot; the locations of all other structures, power lines or other utility lines on the lot; dimensions and sizes of the various structural components of the tower construction; and either a certification by a professional engineer, or the manufacturer's certification, that any tower was designed to withstand wind load requirements for structures as set forth in the New York State Uniform Fire Prevention and Building Code.
 - (c) A wind energy collector shall not exceed a total height of 100 feet (including any blade in the vertical position) and shall have a fall-zone radius of 1.5 times the proposed total height (including the blades) that is wholly contained on the lot where it is located. Guy wires and anchors for the tower shall not be located closer to any lot line than five feet.
 - (d) The lowest portion of any blade for a wind energy collector may not at any time be closer than 25 feet to the ground.
 - (e) Any climbing apparatus on the outside of a tower for a wind energy collector shall be no lower than 12 feet from the ground.
 - (f) No wind energy collector shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, blades, and turbine components.
- (39) Campgrounds must be a minimum of five acres, except nudist campgrounds must be a minimum of 50 acres.
- (40) Large-scale ground-mounted solar energy systems shall comply with the following:
- (a) Shall be designed and installed in conformance with current International Building Code requirements, as incorporated into the New York State Uniform Code, and manufacturer's suggestions. In case of conflict between these sources, the International Building Code shall control.
 - (b) Are limited to a maximum of 20% of lot coverage. Further, the surface area covered by ground-mounted solar panels shall be included in the total lot coverage allowed in the applicable zoning district. Such area shall be based upon square feet of solar panel

surfaces.

- (c) Shall have a maximum height of 10 feet.
- (d) Shall be installed in the side or rear yards, only, with a minimum setback of 25 feet to any adjoining property lines.
- (e) All solar panels shall have an antireflective coating.
- (f) All special permit applications for a large-scale solar energy system shall include a plan, to the satisfaction of the Planning Board, for the removal of a decommissioned or abandoned system, including site restoration, together with a cash deposit, letter of credit, bond or other, similar security for such removal and site restoration.
- (g) All large-scale solar energy systems shall obtain site plan approval from the Planning Board.

Sec. 8 Amendments to Town Code Section 150-43

Section 150-43 is hereby amended, as follows:

1. Sub-section 150-43(D)(7) is hereby amended, to read as follows:

§150-43. Special Permits.

D. Procedure.

(7) Modification. In reviewing any application for a special permit, the reviewing agency may modify or waive any special condition required by §150-42 of this chapter if it is deemed appropriate and in the best interest of the Town and if the spirit and intent of this chapter can be maintained. Any decision to waive or modify any such special condition requirement shall be set forth in writing, with the reason for such modification or waiver being set forth by the reviewing agency.

2. Sub-section 150-43(F) is hereby deleted

Sec. 9 Amendment of Town Code Section 150-49

The opening paragraph of Section 150-49 is hereby amended to delete the phrase "... and particularly Schedule I ..."

Sec. 10 Amendment of Town Code Section 150-51

Section 150-51 is hereby amended to delete the phrase "See §150-42H" before the opening paragraph of such Section.

Sec. 11 Re-numbering of Articles in Chapter 150

Articles "V" through and including "X" of Chapter 150 are hereby re-numbered, in the same order, to be Articles "XIII" through and including "XIX."

Sec. 12 Deletion of Attachments 3 – 8 to Chapter 150

Attachments numbered “3” through and including “8” to Chapter 150 of the Town Code are hereby deleted.

Sec. 13 Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Sec. 14 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

A motion was made by Mr. , seconded by Mr. , to adopt the following resolution:

WHEREAS: Section 37 of the Town Law of the New York State provides that collection of school taxes in first class towns is the duty of the Town's Receiver of Taxes and Assessments unless a resolution is adopted by the Town Board to convey this responsibility to the tax collector appointed by the Board of Education, and

WHEREAS: it has been requested by the Wayne Central School District Board of Education that the Ontario Town Board appoint Patrick Schmitt for the portion of Ontario in the Wayne Central School District for the 2020-2021 school year, and

NOW, THEREFORE, BE IT RESOLVED: that Patrick Schmitt is appointed as Collector of school taxes for the 2020-2021 school year for the Ontario portion in the Wayne Central School.



A motion was made by Mr. , seconded by Mr. , to adopt the following resolution:

RESOLVED, By the Ontario Town Board of the Town of Ontario that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

