

\$2.00

**TOWN OF SOLON
ZONING LAW**

**LOCAL LAW #1
FOR 1999**

**ENACTED
APRIL 20, 1999**

**A. Local Law Number One For 1999
Respecting Zoning in the
Town of Solon
Cortland County, New York**

At a regular meeting of the Town of Solon held at said Town on the day of 1999, the following Town Law was duly adopted:

Be It Resolved, that this Town Board of the Town of Solon does hereby ordain, enact and order the publication of a Zoning Law for the Town Of Solon as follows:

Purpose

For the purpose of promoting the Health, Safety, Morals and the General Welfare of the community, the location and the use of buildings, structures, and the land for trade, commercial, residence, farming and other purposes are hereby regulated.

The Town Board of the Town of Solon in the County of Cortland under the authority of the Town Law of the State of New York, hereby ordains, enacts and publishes as follows:

**Article I
Short Title**

Section 1 - Short Title

This Local Law shall be known as " The Zoning Law of the Town of Solon."

**Article II
Zoning Districts**

Section 2 - Establishment of Districts

The Town of Solon is hereby divided into the following types of districts:

- A. Residential
- B. Agricultural I
- C. Agricultural II
- D. Commercial

Section 3 - Zoning Map

The boundaries of the districts are established as shown on the map entitled "The Zoning map of the Town of Solon" and called the "Zoning Map" in this Law. The Zoning Map, including all the explanatory material on it, is made part of this law.

The Town Clerk shall certify the Zoning Map as part of this law and keep it on file in his/her office.

Any changes in district boundaries or other matter shown on the Zoning Map shall be promptly made on the Map, with a signed statement substantially as follows: "On ,1998 by action of Town Board of Solon, the following change was made in this Map." (brief description of change

Supervisor

Attest:

Town Clerk

The Law making the change shall provide for its immediate entry upon the Zoning Map.

Section 4 - Interpretation of District Boundaries

If there is an uncertainty of the exact boundaries of Districts as shown on the Zoning Map, the following rules shall apply.

1. Boundaries shown as approximately follows the right - of way - lines of streets or highways shall be construed to the following such right - of -way lines.
2. Boundaries shown as approximately follows plotted lot lines shall be constructed to follow such lot lines.
3. Boundaries shown as following shore lines of streams, swamps, and reservoirs shall be construed to the following such shore lines and to move with changes in the actual shore lines.
4. Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 3 of this section shall be construed to be parallel to, or extensions of, such features; and
5. Distances not specifically set forth on the Zoning Map shall be determined by the scale of the Map.
6. The boundaries marking the depth of Residential Districts shall not be less than two hundred fifty (250) feet from the street or highway right-of -way line, and of Commercial Districts not less than three hundred (300) feet from the street or highway right-of-way line.

Section 5 - Application of District Regulations

After the enactment of this Law, buildings or land used or occupied and buildings erected, moved or altered shall be in conformity with the regulations for the District in which located, except as may otherwise be provided by this law.

Article III

Residential Districts

Section 6 - Permitted Use

If any residential district, no buildings shall be erected or extended and no land or building or part thereof shall be used for other than any of the following purposes:

1. One (1) single family dwelling per lot, but not mobile homes, whether or not the wheels thereof are removed or other similar modifications that reduce or eliminate mobility or such mobile homes are or are intended to be permanently affixed or attached to the realty upon which they situate, and not mobile home parks.
2. All land and buildings used for Agricultural purposes located in a residential district shall be allowed the permitted farming uses of an Agricultural district.
3. Churches, schools, public buildings, parks, hospitals, nursing homes, cemeteries and fire stations.
4. Golf courses, except a driving range of miniature golf course operated on a commercial basis, provided that no building shall be nearer than one hundred (100) feet to any lot line.
5. Private clubs, operated for the benefit of members only and not for gain.
6. Boarding and rooming houses and tourist homes, with provisions being made for off street parking.
7. Necessary structures in connection with public utilities, installed in accordance with accepted standards.
8. Multiple family dwellings by special authorization of the Zoning Board of Appeals as provided in section 31.
9. One two family dwellings per lot, but said two family dwelling shall not be in addition to any single family dwelling authorized by subsection 1 of this section.

Section 7 - Accessory Uses

1. All accessory uses shall require a conditional use permit.
2. Permitted accessory uses in Residential districts shall include the following:
 - A. Customary gainful home occupation conducted only by resident occupants on the premises such as hairdresser, barber, dressmaking, laundering and home cooking. One sign not exceeding six (6) square feet is permitted. Signs or billboards shall not be erected on properties other than that of the person whose business is advertised and must be confined to the immediate vicinity of that business. Excepting as specifically provided in these regulations, no sign or billboard shall be erected or the existing ones replaced in any District, except upon written approval of the Board of Appeals, and upon such conditions as the Board of Appeals may impose in the interests of public safety, health and welfare.

B. Office of resident doctor, dentist, musician, engineer, teacher, lawyer, artist, architect, or members of other recognized professions and licensed real estate and insurance agents and brokers where such office is part of the resident building. One sign not exceeding six (6) square feet is permitted. Signs or billboards shall not be erected on properties other than that of the person whose business is advertised and must be confined to the immediate vicinity of that business. Excepting as specifically provided in these regulations, no sign or billboard shall be erected or the existing ones replaced in any District, except upon written approval of the Board of Appeals, and upon such conditions as the Board of Appeals may impose in the interests of public safety, health and welfare.

2. Accessory buildings incident to the principal or accessory use and buildings.

A. Private garage, storage shed or similar structure.

B. The keeping of domestic animals (other than household pets) shall be allowed only on the approval of the Board of Appeals.

C. No manure shall be stored within one hundred (100) feet of any lot line.

Section 8 - Lot Width, Area and Yard Requirements

1. In residential districts, principal buildings shall not be erected or altered on a lot having a width, area, or front, side and rear yards less than specified in the following schedule:

Lot Width - One hundred (100) feet minimum

Lot Area - Thirty thousand (30,000) square feet minimum

Front Yard - Thirty five (35) feet minimum

Side Yard - Fifteen (15) feet minimum

Rear Yard - Fifteen (15) feet minimum

2. Where the average front yard for principle buildings existing immediately adjacent on either side exceeds the minimum specified, a front yard shall be provided equal to the greater average depth but not exceed fifty (50) feet. Where such average front yard is less than the minimum specified the buildings may be built to this lesser depth but shall not be less than twenty (20) feet from the street or highway line. An adjacent vacant lot shall be considered as having the minimum front yard as required in the district.

3. Accessory buildings shall not be constructed nearer to the street, side or rear lot line than is permitted for principle buildings.

4. On every corner lot, there shall be provided on the side street a side yard for principle and accessory buildings equal in depth to the required front yard depth on said side street.

5. A building front line shall be at least sixty (60) feet from the center of the street or highway or thirty five (35) feet from the front of the lot line which ever is

greater.

6. Nothing in this law shall prohibit the erection of one single family dwelling on any lot or less than the required area, provided that all other provisions of this law are complied with, if such lot at the time of passage of this amendment was held under separate ownership or leasehold from the adjoining lots, or was part of a subdivision recorded with the Clerk of Cortland County and approved by the Town of Solon Planning Board.

Article IV Agricultural I District

Section 9 - Permitted Uses

In Agricultural I districts and on farms situated in Residential districts, no building shall be erected or extended, and no land or buildings or part thereof shall be used for other than any of the following purposes:

1. Any use permitted in a Residential district, with the exception of multiple family dwelling, subject to all specifications and requirements for such uses, excluding lot areas, lot width and yard requirements but said use shall be subject to the set back requirements of Section 10 here in.

2. All farm and buildings and land may be used for any lawful purpose customary to the operation of a farm. Accessory buildings necessary or customary to the operation of a farm are permitted, provided that:

A. No manure shall be stored within one hundred (100) feet of a lot line.

3. Mobile homes, but no mobile home parks, subject to the restriction of Section 15 of this law.

4. Display or advertising signs and billboards are not allowed.

Section 10 - Lot Area, Lot width and Yard Requirements

1. In Agricultural I districts, principle and accessory buildings shall not be erected or altered on a lot having a width, area, or front, side and rear yards less than specified in the following schedule:

Lot Width - Two Hundred fifty(250) feet minimum

Lot Area - Two (2) acres minimum

Front Yard - Thirty Five (35) feet minimum

Side Yard - Fifty (50) feet minimum

Rear Yard - Fifty (50) feet minimum

2. Where the average front yard for principle buildings existing immediately adjacent on either side exceeds the minimum specified, a front yard shall be provided

equal to the greater average depth but need not exceed fifty (50) feet. Where such average front yard is less than a minimum specified the buildings may be built to this lesser depth but shall not be less than twenty (20) feet from the street or highway line. An adjacent vacant lot shall be considered as having a minimum front yard as required in the district.

3. A building front line shall be at least sixty (60) feet from the center of the street or highway or thirty five (35) feet from the front of the lot line which ever is greater.

Article V Agricultural II District

Section 11 - Permitted Uses

In Agricultural II districts no building shall be erected or extended, and no land or buildings or part thereof shall be used for other than any of the following purposes:

1. Any use permitted in Residential or Agricultural I districts are allowed except mobile homes and multiple family dwellings, subject to all specifications and requirements for such uses, excluding lot areas, lot width and yard requirements but said use shall be subject to the set back requirements of Section 12 herein.

Section 12 - Lot Area, Lot Width and Yard Requirements

A. In Agricultural II districts, principle and accessory buildings shall not be erected or altered on a lot having a width, area, or front, side and rear yards less than specified in the following schedule:

Lot Width - Two Hundred Fifty (250) feet minimum

Lot Area - Two (2) acres minimum

Front Yard - Thirty five (35) feet minimum

Side Yard - Fifty (50) feet minimum

Rear Yard - Fifty (50) feet minimum

B. Where the average front yard for principle buildings existing immediately adjacent on either side exceeds the minimum specified, a front yard shall be provided equal to the greater average depth but need not exceed fifty (50) feet. Where such average front yard is less than the minimum specified the buildings may be built to this lesser depth but shall not be less than twenty (20) feet from the street or highway line. An adjacent vacant lot shall be considered as having the minimum front yard as required in the district.

3. A building front line shall be at least sixty (60) feet from the center of the street or highway or thirty five (35) feet from the front of the lot line which ever is greater.

Article VI
Commercial Districts

Section 13 - Permitted Use

In Commercial districts no building shall be erected or extended and no land or building or part thereof shall be used for other than one or more of the following uses:

1. Any use permitted in Residential, subject to all specifications and requirements for such use, including lot area, lot width and yard requirements.
2. Retail stores and wholesale stores.
3. Hotel, Motel or Tourist Inns.
4. Business and /or professional offices.
5. Restaurant or other place for serving of food and beverages.
6. Bank or other monetary institution.
7. Service station for the retail sale of gasoline and lubricants, and for the repair and servicing of vehicles, provided that no vehicle repair except for emergency work be carried on out of doors.
8. Auto sales agency, subject to the Board of Appeals.
9. Establishment for the provision of personal services.
10. Ski center and recreational activities.
11. Theater, bowling alley or other place of amusement or assembly.
12. Place of business of the following and similar businesses that may be conducted without unreasonable noise, odor, or disorder, provided that any manufacture or processing of goods is clearly incidental to a retail business conducted on the premises:
Baker, barber, caterer, confectioner, dryer, florist, furrier, hairdresser, laundromat, laundry, optician, photographer, printer, shoemaker or repairer, tailor, undertaker, upholsterer, and car washing establishment.
13. A sign or advertising device of not more than fifty (50) square feet, and only when advertising commodities of services for sale, use or hire on the premises.
14. Accessory buildings and uses customary for commercial purposes.

Section 14 - Yard Regulations, Lot Area and Building Coverage

A. In commercial districts, yards of at least the following dimensions must be provided:

Front yard - Shall be at least as great as yards of neighboring buildings, but not less than twenty five (25) feet in depth.

Side Yard - Each ten (10) feet in width.

Rear Yard - Twenty (20) feet in depth.

Lot Area - In Commercial districts, no dwelling, building or buildings, including accessory buildings, used in part or in whole for dwelling purposes, shall be erected, altered or extended to cover more than twenty five (25%) percent of the lot area.

Building Coverage - In Commercial districts non - dwelling buildings shall not cover more than forty (40%) percent of the lot area.

B. Accessory commercial buildings shall not be constructed nearer to the street line than is permitted for principle buildings nor to any rear or side lot line than one-half (1/2) the distance established in the schedule as the minimum yards for principle building.

Article VII Special Regulations

Section 15 - Regulations for Mobile Homes

A. Highway parking prohibited

No mobile home shall be parked or allowed to remain upon any public highway.

B. Area Requirements

No mobile home shall be located on any land or premises within the Town of Solon, without a permit therefor. Such land or premises must be conveniently accessible to such mobile home adequate sanitary facilities and approved water supply. Each mobile home must be located on a lot which conforms to the provisions of the zoning law of the Town of Solon with respect to width, and total lot area size. Front and side yard area requirements of said law must also be complied with in respect to the location of a mobile home.

Not more than one (1) mobile home shall be parked or otherwise located on each separate lot parcel of land.

C. Permit Required

Application for permits shall be made at the office of the Town of Solon Code Enforcement Officer upon official forms furnished for such purpose which shall be signed by applicant. Applications for permits may be made by the owner or his authorized agent.

There shall be endorsed upon each such application the written approval and consent of the Cortland County Health Department.

A fee of \$10.00 (Ten Dollars) shall be required for such permit.

This permit shall continue in force until such time as the mobile home becomes a part of the Town Assessment Roll. The replacement of a mobile home located in a residential district at the time of the enactment of this law is permitted.

D. Foundation Requirements

A mobile home shall be fixed to a site as per requirements of the New York State Uniform Fire and Building code and be skirted in an appropriate manner.

Section 16 - Swimming Pools

Swimming pools shall be effectively fenced by an artificial enclosure not less than four (4) feet in height. This requirement will be in the cases of pools which project above

the ground and are enclosed by their exterior walls, if the exterior walls are at least four (4) feet in height above the ground and any opening in the walls affording access to the pool proper have a gate with a locking device affixed so that children will be excluded.

Section 17 - Mobile Home Parks

1. Mobile home parks are not permitted within the Town of Solon.

Section 18 - Junk Yards

Junk yards are not permitted in the Town of Solon.

Section 19 - Building Lines

Where a building line (front yard depth line) has been established after the enactment of this law, new construction shall follow the building line which shall be the average lines of buildings within two hundred (200) feet of either side.

Section 20 - Dumps and Discarding of Waste

1. Dumping of refuse, waste material and other substances is prohibited in all districts of the Town except in a specified area designated as a municipal dump by the Town Board, or except for the purpose of filling to establish grades for which a permit must be obtained from the Town Board. The maintenance of an area containing refuse, waste material or other substances is also prohibited. Each day that refuse, waste material or other substances are stored within the Town of Solon shall be considered to be a separate violation of this law by both the party who placed the refuse, waste material or other substances there as well as the land owner or owners it is stored on.

2. All dumping shall be a minimum of one hundred fifty (150) feet back from the highway right-of-way line; and five hundred (500) feet from any lot line except as may be permitted to establish grades by permit of the Zoning Board of Appeals.

3. Dumping of refuse, waste material or other substances collected outside of the Town of Solon is prohibited in all districts in the Town except with prior approval of the Town Board.

Section 21 - Off Street Parking

1. One (1) motor vehicle parking space shall be provided for:
 - A. Each family in dwelling.
 - B. Each two (2) guest rooms in boarding and rooming houses, and similar uses.
 - C. Each guest room in a hotel or motel.
 - D. Each ten (10) seats in places of assembly.
 - E. Each two hundred (200) square feet of floor area in the main structure of business offices, restaurants, banks, retail stores, and other commercial and

industrial buildings.

F. Each two hundred (200) square feet of land used for commercial or assembly purposes for which no fixed seating arrangements are provided.

Section 22 - Roadside Stands

The sale at a temporary roadside stand for farm produce primarily on the premises is permitted provided that such stand shall not be nearer than fifteen (15) feet from the street or highway right-of-way line. Signs advertising the sale of farm produce, located on the premises of the farm on which such sale is made and not exceeding, in total, thirty six (36) square feet are permitted.

Section 23 - Commercial Excavation and Stripping of Top Soil

The commercial excavation and stripping of top soil is not permitted in any Districts without a special authorization from the Town Board.

Section 24 - Non-Conforming Uses

1. The lawful use of any building or land existing at the time of the enactment of this law may be continued.
2. A non-conforming use shall not be extended or enlarged.
3. A non-conforming use discontinued for a period of more than one (1) year shall not there after be permitted.
4. Any change made in a non-conforming use is subject to the variance procedure.

Section 25 - Abandoned Cellar Hole, Wells and Buildings

1. Within one (1) year after work on any excavation for a building has begun, any excavation for a building shall be covered or refilled by the owner to the normal grade.
2. Any building determined to be unsafe by Building Inspector/Code Enforcement Officer shall be rebuilt or demolished and debris removed within one (1) year. Any excavation or cellar hole remaining after the demolition or destruction of a building from any cause, and any abandoned well, shall be permanently covered by the owner within one (1) year.

Section 26 - Visibility at Intersections

On corner lots, no fence, wall, hedge, or other structure or planting interfering with visibility from motor vehicles shall be erected or placed within the triangular area formed by the intersecting street or highway lines and a straight line joining said street

or highway lines and a straight line joining said street or highway line at points which are thirty (30) feet distant from the point of intersection, measured along said street or highway lines.

ARTICLE VIII

Section 27 - Definitions

In the interpretation of this law, the following rules shall apply:

Words used in the present tense include future tense; The singular includes the plural; The plural includes the singular; The word "person" includes the word "plot", or "parcel"; The word "building" includes the word "structure"; The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended", arranged, or designed to be used or occupied.

1. Accessory Use

A use customarily incidental and subordinate to the main use or principle use or building and located on the same lot with such principle use or building.

2. Alterations

As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether be extending on a side or by increasing in height or by moving from one location or position to another.

3. Bed and Breakfast

The renting of rooms for lodging and serving breakfast to casual and transient roomers.

4. Boarding House or Rooming House

A dwelling, other than a hotel or motel, wherein more than three persons are sheltered or fed for profit.

5. Building

Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattel.

6. Building, front line of

The base line of a vertical plane, parallel to the street line and extending from one lot line to another, beyond which no portion of a building shall extend into the front yard. Side and rear buildings lines shall be determined in a comparative manner.

7. Dwelling Unit

An area with a structure intended and designed as a self-contained housekeeping unit for occupancy as a resident by not more than one family and which has direct access from its exterior or through a common hall or entrance, and which generally include kitchen, bathroom, dining, sleeping, and related facilities required for human habitation.

8. Dwelling, Single Family

A structure containing one dwelling unit and no other principle uses.

9. Dwelling, Two Family

A structure containing two dwelling units and no other principle uses.

10. Dwelling, Mobile Homes

A dwelling unit structurally designed for or adaptable to mobility, manufactured and assembled off-site, and connectable to utilities and sanitary facilities with simple connecting devices, but not travel or camping trailers or immobile prefabricated modular units used in residential construction. Provision for expansion on site or removing the wheels or other modifications that reduce or eliminate the mobility shall not change the character of a mobile home.

11. Dwelling, Double Wide

A section dwelling unit structurally designed for or adaptable to mobility, manufactured and assembled off site, specifically designed to be connected for use as a single family dwelling.

12. Dwelling, Modular Home

A dwelling manufactured or assembled off site, not designed for mobility, which is designed to be transported to the building site and set on a full perimeter foundation.

13. Dwelling, Multiple Family

A structure containing three or more dwelling units and no other principle uses.

14. Family

One or more persons living together as a single housekeeping unit in the manner or persons related by blood, marriage, or adoption.

15. Farm

A parcel of land of twenty (20) or more acres, with dwelling, used principally for the raising or production of agricultural products and the necessary farm structure and storage of equipment used on the premises.

16. Foundation, Full Perimeter

A foundation which provides support to all outside walls and extends below the frost line.

17. Junk Yard

Any area of land, including buildings thereon is used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or any place of storage or deposit whether in connection with another business or not, where two (2) or more unregistered, old or secondhand motor vehicles no longer intended or in condition for legal use on the highway are held, whether for the purpose of disposing of the same or for any other purpose.

18. Lot

An area contained within lot lines shown on a recorded subdivision map or similar document approved under this law or any previous zoning or subdivision law of the Town or described in a deed recorded prior to the adoption of any of these laws and not

otherwise in violation of any governmental regulations. Areas shown on maps or described in deeds which are contiguous shall be considered separate lots unless they appear as one lot in the instrument.

19. Lot Area

The gross area within lot lines computed on a horizontal plane from the vertical projections of the lot lines.

20. Lot Depth

The depth of a lot in the mean horizontal distance from its front line to its rear lot line, measured in the general direction of its side lot lines.

21. Lot Width

The width of a lot is its mean width measured at right angles to its depth.

22. Lot Coverage

The aggregate area of the lot covered by principle buildings plus each accessory building.

23. Lot Lines

Any line dividing one lot from another.

24. Mobile Home Park

Any lot, piece of parcel of ground whereon two (2) or more mobile homes designed for use, or capable of being as living or sleeping quarters, are parked or located for which use said premises are held open to the public, a fee being collected for such use.

25. Non-Conforming Use

"Non-conforming Use" is a building, structure or use of land existing at the time of enactment of this law which does not conform to the zoning regulations of the district in which it is located.

26. Parking Space

An area of two hundred (200) square feet, with dimensions of ten (10) feet by twenty (20) feet, to be used for parking of a passenger automobile and not located on a street or highway.

27. Street or Highway Line

A street or highway line is the right-of-way line of the street or highway.

28. Structure

Structure means combination of materials to form a construction that is safe and stable and includes among other things: stadiums, buildings, platforms, radio, television and/or public utility towers, sheds, storage bins, billboards and display signs.

29. Swimming Pool

Any receptacle for water having depth at any point of more than two (2) feet, or have surface area exceeding two hundred fifty (250) feet, which is intended for recreational purposes, and including all appurtenant decks, walks, and equipment constructed, installed, and maintained in or above the ground outside of the principle

structure to which the pool is accessory.

30. Tourist Home

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

31. Trailer Camp

Any area of land or a building used for occupancy by two (2) or more trailers that are used for temporary dwelling purposes.

32. Use

The specific purpose for which any land is designed, arranged, intended, or for which it is or may be occupied or maintained.

33. Yard

A yard is an open space other than a court on a lot, unoccupied and unobstructed from the ground upwards, except as otherwise permitted.

34. Yard Front

An open, unoccupied space on the same lot with the building between the front line of the building and the street highway line, and extending the full width of the lot.

35. Yard Rear

An open, unoccupied space, except for the accessory buildings, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.

36. Yard Side

An open, unoccupied space, on the lot with the building, situated between the building and the side lot line, or for corner lots the side street line and extending from the front yard to the rear yard.

37. Front Lot Line

The lot line that borders on the highway or road frontage.

Article IX

Administration

Section 28 - Enforcement

This law shall be enforced by the Code Enforcement Officer, who shall be appointed by the Town Board. No zoning permit or certificate of compliance shall be issued except in conformity with the provisions of this ordinance.

Section 29 - Zoning Permit No building, mobile home, or structure in any District shall be erected, added to, or moved, or structurally altered until the Code

Enforcement Officer has issued a zoning permit. No zoning permit shall be issued unless and until the proposed construction, addition, alternation, or use thereof is in full conformity with all the provisions of this law.

1. Application Procedure

A. Application for permits shall be made at the office of the Code Enforcement Officer upon official forms furnished for such purpose which shall be signed by the applicant. Applications for permits may be made by the owner or his authorized agent.

B. There shall be submitted with all applications for zoning permits three copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, and the exact size and location of the building and accessory buildings to be created.

C. All applications for zoning permits shall be accompanied by a description of the intended use or uses of the land and buildings sufficient to determine conformance with this law.

D. There shall be endorsed upon each application the written approval and consent of the Cortland County Health Department. Such endorsement shall not be required in the case of zoning permit applications for accessory buildings, the use and occupancy of which do not involve any health hazard.

E. Every application for a zoning permit shall be accompanied by a non-refundable fee, as follows:

Residential Building - \$30.00 per dwelling or mobile home

Alternation or addition to existing residential building - \$10.00

Accessory Building - \$10.00

Commercial or Industrial Building - \$10.00 plus \$.01 per Square Foot on

site plan.

Alternation or addition to existing Commercial Industrial Building - \$10.00

plus

\$.01 per Square Foot on site plan.

2. Expiration of Permit

A. Every zoning permit issued hereafter shall expire twelve (12) months from the date of issuance and any further work performed beyond the expiration date shall constitute a violation of this law.

B. Any zoning permit issued hereunder may be extended by the Board of Appeals up to six (6) months provided that the applicant submits application from forty-five (45) days prior to the expiration date of such permit.

C. In the event that any permit issued hereunder shall expire, applicant shall submit a new application form documents and fees as required herein.

Section 30 - Certificate of Compliance/Certification of Occupancy

No land shall be used or occupied and no building or structure shall be erected, added to, structurally altered, or extended until a zoning permit and/or building permit has been issued by the Code Enforcement Officer/Building Inspector. All applications for such permits shall be in conformance with the provisions of this law and the New York State fire and building codes and shall be in compliance with any additional conditions set by the Zoning Board of Appeals or Planning Board.

The Building Inspector shall issue a certificate of compliance/certificate of occupancy after determining by inspection that such erection or alteration complies with this law and other applicable laws and ordinances.

A certificate of compliance/certificate of occupancy shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this law and that said structure should be occupied lawfully pursuant to this law.

Section 31 - Special Authorizations and Variances

31.1- Findings

No special authorization or variance may be granted for any proposed land use activity, except upon the findings which are required for the particular activity and additional findings that proposed activity, together with the conditions upon which it is granted,

- A. will be consistent with, and not impede, an appropriate development plan of the Town;
- B. will be consistent with, and not impede, the lawful use and development of contiguous and neighboring properties and not unreasonably affect their enjoyment and value;
- C. will not create a traffic, health or other public hazard or unreasonable burden or demand public services; and
- D. will be within the environmental constraints which are reasonable and practicable under all the circumstances.

31.2- Planning Board Report

No decision shall be made upon an application for a special authorization or variance until the Planning Board has reviewed the application and filed an advisory report with respect to the findings required to be made, or forty-five days have passed since the filing of the application with the Planning Board. The Board of Appeals and Planning Board are authorized and directed to adopt, subject to the approval of Town Board, the rules and procedures required efficiently to carry out the provisions of this section 31.2.

31.3- Variances

The Board of Appeals, upon an appeal from and order, requirement, decision, or determination of the Code Enforcement Officer, may vary or modify the application of any of the regulations or provisions to this law if there is an express finding that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this law in the case of the particular posed activity.

31.4- Conditions

In granting a special authorization or variance, the Town Board or the Board of Appeals shall impose any reasonable conditions which are required to assure compliance with this law and the conditions may be more restrictive than the regulations of the district in which the land use activity is to take place. The conditions may relate to landscaping, height, yards, open spaces, duration, hours of operation or any other restriction designed to minimize or eliminate impact.

31.5- Notice and Public Hearing

No special authorization or variance may be granted except after a public hearing upon notice of at least 10 days published in the official newspaper of the Town. Additionally, notice of at least five days shall be mailed by the Secretary of the Board of Appeals or the Town Clerk, as the case may be, to each owner of property abutting, or across from, the lands of the proposed land use activity or within 500' of the perimeter of the lands; but failure to give or receive the notice shall not invalidate the special authorization. The applicant for a special authorization shall be required, as part of the application, to furnish the names and addresses of the owners to whom mailed notice is required.

31.6- Revocation of Special Authorization

The Board which grants a special authorization may suspend or revoke the authorization, after a public hearing upon 10 days written notice served upon the person to whom the special authorization was issued or his agent, for violation of any condition of the authorization. The hearing may be held upon the Board's own initiative or in its discretion, after the receipt of a detailed, verified complaint of a violation of condition.

31.7- There shall be a non-refundable fee of \$50.00 submitted to the Town of Solon for each application for a variance of special authorization.

Section 32 - Rules of Interpretation

32.1- Review by Board of Appeals

Any determination by any public official regarding the interpretation or application of this law, including the precise location of district boundary lines, shall be subject to review by the Zoning Board of Appeals in accordance with the provisions of Section 31.

Section 33 - Board of Appeals

33.1- Organization

The Board of Appeals shall consist of five members, all residents of the Town of Solon to be appointed by the Town Board for staggered terms of five years. One member shall be designated by the Town Board to serve as Chairperson. If a vacancy shall occur, the Town Board shall appoint a successor who shall serve for the unexpired portion of the term of his predecessor.

33.2- Duties and Powers

33.2.1- The Board of Appeals shall have the duties and powers conferred upon it by law, including the duties and powers:

A. To hear and decide appeals from and review any order, requirement, decision or determination made by the Code Enforcement Officer and to reverse, affirm, or modify the order, requirement, decision or determination, so that it will conform to the law and this Local Law.

B. To grant special authorization for specific land use activities whenever authorization by the Board of Appeals is required by this law.

33.2.2- The Board of Appeals shall adopt rules and regulations governing its procedures; and within the budget set by the Town Board, it may hire such staff and professional assistance as may be necessary to properly discharge its duties and functions.

33.3.1- Procedure

The Board of Appeals shall strictly comply with the requirements of law and this Local Law as to hearings, notice and procedure. Each appeal or application made to the Planning Board shall be in writing and shall refer to the provisions of this law which is involved. It shall exactly set forth the interpretation that is claimed, the use for which authorization is sought, or the variance that is applied for, and the grounds for the proposed action of the Board of Appeals.

33.3.2- Every decision of the Board of Appeals shall be by resolution, which shall set forth the findings of the Board in the particular case. A quorum must be present when a resolution is voted upon and a majority of the entire Zoning Board of Appeals must vote in favor of the resolution for variance or appeal to be granted. Each such resolution, together with all documents pertaining to it, shall be filed in the office of the Town Clerk as either an "interpretation," "variance," or "special authorization." The Board of Appeals shall notify the Code Enforcement Officer of each special authorization and of each interpretation made under the provisions of this law. The Zoning Board of Appeals shall render a decision on the application or appeal within sixty days after receipt of the advisory report from the Planning Board.

Section 34 - Violations and Penalties

As provided by Section 268 of the Town Law, any person, firm, corporation or other, violating any provisions of the law shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine of not more than five hundred (\$500.00) dollars, or to imprisonment for a period of not more than six (6) months, or to both such fine and imprisonment. Each day or part thereof that such violation continues shall be deemed to constitute a separate offense. In addition to other remedies, the Town of Solon may institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration or use of any building or land in violation of the requirements of this law.

Section 35 - Amendments

This Local Law may be amended as provided by law. Any proposed amendment shall be submitted to the Planning Board for recommendations before being acted upon by the Town Board. Any person or individual requesting an amendment to this law shall be required to pay all cost of the public hearing necessary to be held thereon, including publication, stenographic, rental of hall and all other expenses in connection therewith, of the sum of Thirty Five (\$35.00) dollars whichever is greater.

Section 36 - Validity

The invalidity of any section or provision of this law shall not invalidate any other section or provision thereof.

Section 37- Conflicting Regulations

Where any regulations exist which conflict with or duplicate this law, the regulation MORE restrictive shall apply.

Section 38 - When Effective

This Local Law shall be in force and effect immediately upon adoption and publication as provided by law.

AND BE IT FURTHER, RESOLVED, the Town Clerk shall file and publish this Local Law as required by Law.

Section 39 - Conditional Use Permits

39.1 - Purpose/Definition

A conditional use permit is an authorization of a particular land use which is permitted in this zoning law, subject to conditions imposed by such zoning law to assure that the proposed use provides for orderly, efficient growth within the community and provides adequate facilities for the transportation, housing, comfort, convenience, safety, health, and welfare of its population and also to insure against any unreasonable burden or demand on adjacent properties or on public service.

Any home occupation or business being conducted from a resident's property shall require a conditional use permit and shall conform to the particular regulations which apply to them under other provisions and of this law. Any structure either separate of adjoining to the principal residence that is to be utilized for either a home business or home occupation shall not exceed 1000 square feet. The Planning Board may impose reasonable conditions or limitations directly related to the proposed conditional use permit. All conditions must be met before the issuance of such permit. When it is reasonable, the Planning Board may waive any requirements pre-established. Any such waiver may be exercised when such requirements are found not to be appropriate to the particular conditional use permit.

All conditional use permits will be subject to an annual review of the specified permit. One (1) permit shall be issued to the property owner/resident thereon, and shall require a signed agreement of the property owner(s) to comply with all the terms and conditions thereof.

39.2 In order to grant approval for a conditional use permit, the applicant must prove that the structure and/or use:

- a. Is appropriate for the particular lot area, and will not conflict with the allowed use.
- b. Is in compliance with all other applicable sections of this law.
- c. Is physically and visually compatible with general neighborhood development.
- d. Provides a suitable transition when located between differing uses or districts where none is provided or provides a visual buffer by landscaping green areas or fencing.
- e. Had adequate space for off street parking.
- f. Provides for safe handling of vehicular traffic to and from site without causing congestion. No new vehicular entrances shall be permitted within fifty feet of an existing intersection.
- g. Provides for safe passage of pedestrians.
- h. Enhances neighboring property and does not lead to depreciation of properties or roads (by reason of noise, traffic, dust, fumes, smoke, odor, fire, glare, flashing lights or sewage disposal).

39.3 Any structure or land use in existence on the effective date of this law which is in violation of any proper regulations or of any special authorization shall become lawful only to the extent that the activity complies with this local law. However, compliance with this local law shall not excuse the violation, or affect prosecution of it, no matter when commenced.

On any structure devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed twenty percent of the current replacement value, provided that the cubical content of the structure as it existed at the time of passage of this law was not expanded or enlarged.

39.4 Procedures

- A. Application shall be made to the Planning Board in person or a representative, thereof, at its next regularly scheduled meeting.
- B. The Planning board shall conduct a public hearing within sixty-two(62) days from the day the application is received on any matter referred to under this section. Public notice of said hearing shall be printed in a newspaper of general circulation in the town at least five (5) days prior for the date thereof.
- C. Within sixty-two (62) days after all the information is obtained. The Planning Board must render a decision to approve, to approve with conditions/recommendations, or deny, or to give conditional approval. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board.

D. The Planning Board will make a permanent record of all proceedings I issuing a conditional permit and such record shall contain the reasons for the decision. Such decision shall be filed in the office of the town clerk within five (5) business days after such decision is rendered and a copy of this decision mailed to the applicant.

E. If approval or conditional approval is give, the Code Enforcement Officer shall issue a permit once all the conditions are met.

F. Application may be made to the Zoning Board of Appeals when a conditional use permit contains one or more features which do not comply with the zoning regulations.

G. At least ten (10) days prior to the hearing the Planning Board shall mail notices to the applicant and to the county planning agency, as required by the general municipal law. Such notice shall be accompanys by a full statement of the matter under consideration.

H. The Planning Board shall comply with the provisions of the state environmental quality review act. (Article eight (8) of the environmental conservation law.).

I. Any person aggrieved by the decisions of the Planning Board or any officer, may apply to the supreme court for review by a proceeding under article seventy-eight (78) of the civil practice laws and rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision to the town clerk.

J. Costs shall not be allowed against the planning board or other administrative body designated by the town unless it shall appear to the court that it acted with gross negligence, in bad faith or with malice in making the decision appealed from.

39.5 Application For Condition Use Permit Approval

A. A detailed area map, sketch or site plan showing a north arrow, scale and date of the parcel under consideration, including all properties, streets and easements within two hundred (200) feet of the boundaries thereof may be required. Topography information may be required in certain instances if the site is susceptible to erosion, flooding or ponding.

B. Additional information, drawn from the following checklist, may be requested by the Planning Board if deemed necessary.

1. Name and address of applicant and person responsible for use of property in question.
2. All boundaries of property plotted to scale.
3. Existing watercourses.

4. Grading and Drainage Plan showing existing and proposed contours.
5. Location, proposed use, and height of all buildings.
6. Location, design and construction materials of all parking and truck loading areas, showing access and egress.
7. Provisions for pedestrian access.
8. Location, design and construction material of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
9. Location of outdoor storage, if any.
10. Description of the method of securing water, sewage disposal and location, design and construction materials of such facilities.
11. Location of fire and other emergency zones.
12. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
13. Location, size, design and construction materials of all proposed signs.
14. Location and proposed development of all buffer areas, including existing vegetative cover.
15. Location and design of outdoor lighting facilities.
16. Designation of the amount of building area/storage/display area proposed for retail sales or similar commercial activities.
17. General landscaping plan and planting schedule.
18. Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state or county permits and/or licenses required for the project's execution.

39.6 General Considerations.

The Planning Board's review of the conditional use permit shall include but not be limited to the following:

A. General Considerations

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, placement surface, divided and traffic controls.
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
3. Location, arrangement, appearance and sufficiency of off street parking and loading.
4. Location, agreement, size, design and general site compatibility of buildings, lighting and signed. (suggested maximum square footage of building area - 1000 sf).
5. Type of business, number of employees/ vehicles, business hours, and any other questions relating to the specified use and/or structure.
6. Adequacy of storm water and drainage facilities.
7. Adequacy of water supply and sewage disposal facilities.

8. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
9. The ratio of usable, open space verses buildings and/or structures for the total area of the parcel in consideration.
10. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
11. Adequacy of fire lanes and other emergency zones.
12. Special attention to adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

B. Consultant Review.

The Planning Board may consult with the town Code Enforcement Officer and all other town officials, local engineers, fire commissioners, conservation counsel, and other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies including, but not limited to, the soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

39.7 Additional Specific Requirements

A. Business uses

1. Automotive repairs shops and other facilities storing petroleum and paint products on site shall have tanks tested in accordance with the Cortland County Health Department requirements and NFPA 329 or latest NFPA code on testing of underground storage tanks. Above ground tanks containing hazardous materials shall be placed within impervious containment structures a minimum of thirty (30) feet from any structure or property line.

39.8 Revocation Of Special Conditional Use Permits

The Board which grants a conditional use permit may suspend or revoke the authorization, after a public hearing upon ten (10) days written notice served upon the person to whom the conditional use permit was issued or his agent, for violation of any condition of the permit. The hearing may be held upon the Board own initiative or in its own discretion after the receipt of a detailed, verified complaint of a violation of the condition.

39.9

There shall be a \$50.00 non-refundable fee with each application for a conditional use permit.

INDEX

ARTICLE I SHORT TITLE
 Short Title, Section 1-----1

ARTICLE II ZONING DISTRICTS
 Establishment of Districts, Section 2-----1
 Zoning Map, Section 3-----1
 Interpretation of District Boundries, Section 4-----2
 APPLICATION OF District Regulations, Section 5-----2

ARTICLE III RESIDENTIAL DISTRICTS
 Permitted Uses, Section 6-----3
 Accessory Uses, Section 7-----3
 Lot Area, Lot Width and Yard Requirements, Section 8-----4

ARTICLE IV AGRICULTURAL I DISTRICT
 Permitted Uses, Section 9-----5
 Lot Area, Lot Width and Yard Requirements, Section 10-----5

ARTICLE V AGRICULTURAL II DISTRICT
 Permitted Uses, Section 11-----6
 Lot Area, Lot Width and Yard Requirements, Section 12-----6

ARTICLE VI COMMERCIAL DISTRICTS
 Permitted Uses, Section 13-----7
 Yard Regulations, Lot Area and Building Coverage, Sect 14 7

ARTICLE VII SPECIAL REGULATIONS
 Regulations for Mobile Homes, Section 15-----8
 Swimming Pools, Section 16-----8
 Mobile Home Parks, Section 17-----9
 Junk Yards, Section 18-----9
 Building Lines, Section 19-----9
 Dumps and Discarding of Waste, Section 20-----9
 Off Street Parking Space, Section 21-----9
 Roadside Stands, Section 22-----10
 Commercial Excavation and Stripping of Top Soil, Sect 23--10
 Non-Conforming Uses, Section 24-----10
 Abandoned Cellar Holes, Walls & Buildings, Section 25----10
 Visibility at Intersections, Section 26-----10

ARTICLE VIII DEFINITIONS
 Definitions, Section 27-----11

ARTICLE IX ADMINISTRATION
 Enforcement, Section 28-----14
 Zoning Permits, Section 29-----14
 Certificate of Compliance/Occupancy, Section 30-----16
 Special Authorizations and Variances, Section 31-----17
 Planning Board Report, 31.2-----17
 Variances, 31.3-----17
 Conditions, 31.4-----18
 Notice and Public Hearings, 31.5-----18
 Revocation of Special Authorization, 31.6-----18
 Fees, 31.7-----18
 Rules of Interpretation, Section 32-----18
 Reviewed by Board of Appeals, Section 33-----18
 Board of Appeals, Section 33-----18
 Organization, 33.1-----19
 Duties and Powers, 33.2-----19
 33.2.1-----19
 33.2.2-----19

CONTINUED

INDEX

Procedures, 33.3.1-----19
 33.3.2-----19
Violations and Penalties, Section 34-----20
Amendments, Section 35-----20
Validity, Section 36-----20
Conflicting Regulations, Section 37-----20
When Effective, Section 38-----20
Conditional Use Permits, Section 39-----21
 Purpose/Definition, Section 39.1-----22
 Granting Approvals, Section 39.2-----22
 Existing Violations, Section 39.3-----22
 Procedures, Section 39.4-----23
 Applications, Section 39.5-----23
 General Considerations, Section 39.6-----24
 Additional Specific Requirements, Section 39.7-----25
 Fees, Section 39.9-----25