

TABLE OF CONTENTS

	PAGE
ARTICLE I	
Section 1. Short Title and General Purpose	1
ARTICLE II	
Section 2. Definitions	2
ARTICLE III	
Section 3. Use Districts	9
Section 4. Zoning Map	9
Section 5. Boundaries of Districts	9
ARTICLE IV	
Section 6. Application of Regulations	9
Section 7. A-1 Agriculture District	10
Section 8. A-2 Agriculture District	10
Section 9. R-1 Residential District	11
Section 10. R-2 Residential District	11
Section 11. C-1 Commercial District	11
Section 12. I-1 Industrial District	12
Section 13. (Reserved for Future Use)	12
ARTICLE V	
Section 14. District Regulations and Schedules	12
Schedule I: Land Uses and Activities	13
Schedule II: Lot Size, Yards, Height	16
ARTICLE VI	
Section 15. Supplementary Regulations	17
ARTICLE VII	
Section 16. Special Regulations	26

Section 17.	(Reserved for Future Use)	27
-------------	---------------------------------	----

ARTICLE VIII

Section 18.	Non-Conforming Uses	27
Section 19.	Reserved For Future Use	28

ARTICLE IX

Section 20.	Board of Appeals: Creation, Appointment and Organization	28
Section 21.	(Reserved for Future Use)	29

ARTICLE X

Section 22.	Administration	30
Section 23.	Violations and Penalties	31

ARTICLE XI

Section 24.	Amendment	32
-------------	-----------------	----

ARTICLE XII

Section 25.	Planning Board Creation	33
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ARTICLE XIII

Section 26.	Interpretation	33
Section 27.	Validity	33
Section 28.	Repeal	33
Section 29.	Effective Date	34

ARTICLE I

Section 1. SHORT TITLE AND GENERAL PURPOSE.

There is hereby established a comprehensive zoning plan for the Town of Fabius, which plan is set forth in the text, maps and accompanying explanatory data and schedules that constitute the Law. Said plan is adopted for the purposes set forth in Section 263, Article 16 of the Town Law of the State of New York, and most particularly for the protection and promotion of the public health, safety and welfare in the following manner:

1. Guiding the future development of the Town in accordance with a comprehensive plan of land use and population density that represents the most beneficial and convenient relationship among residential, commercial, industrial and recreational areas within the Town, having regard to their suitability for the various uses appropriate to each of them and the potentiality for such uses, as indicated by existing conditions and trends in population, in the direction and manner of the use of land, in building development and in economic activity.

2. Preserving within the general framework of said comprehensive plan the maximum (a) opportunity for the exercise of private initiative and choice of land for building development, (b) flexibility in the application of sound public policy relating to land and building development and (c) opportunity for adaptation to changing conditions and unforeseen events, all in recognition of the fact that, in general, the territory of the Town is not highly developed but is undergoing gradual intensification of land use in response to development forces both operating within the Town and exerting an influence on the Town as part of the larger metropolitan and regional area of the City of Syracuse and County of Onondaga.

3. Protecting the character and social and economic stability of all parts of the Town and encouraging the orderly and beneficial development of the Town.

4. Protecting and conserving the value of land throughout the Town and the value of buildings appropriate to the various districts established by this Law.

5. Bringing about the gradual conformity of the uses of land and buildings throughout the Town to the comprehensive zoning plan set forth in this Law and minimizing conflicts among the uses of land and buildings.

6. Aiding in bringing about the most beneficial relation between the uses of land and buildings and the movement of traffic through, and the circulation of traffic within the Town, having particular regard to the avoidance of congestion on the highways, streets and roads in the Town and the provision of safe and convenient traffic.

7. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment and economic activity relating to the uses of land and buildings through the Town.

ARTICLE II

Section 2. DEFINITIONS.

A. Except as indicated in paragraph B of this Section, the words used in this Law shall have the meaning commonly attributed to them. Doubts as to their precise meaning or as to the definitions in paragraph B of this Section shall be determined by the Board of Appeals hereinafter established.

B. The following words and terms used in this Law are defined as follows:

1. Accessory Building. A building located on the same lot as a principal building but clearly subordinate to the principal building and used for purposes that are related but incidental to those of the principal building.

2. Accessory Use. A use of land or a building or a portion thereof that is customarily subordinate and incidental to the principal use of the land or building and located on the same lot as the principal use.

3. Adult Use (see Local Law No. 1 of 1999). A public or private establishment, or any part thereof, which is defined and regulated by Local Law No. 1 of the year 1999 regulating adult uses in the Town of Fabius.

4. Adult Residential Care Facility. Residential facilities for adults where minimal medical care is provided to residents on a 24-hour basis for persons who are unable to live independently. Such establishments include an adult care facility as defined in the New York State Social Services Law and which maintains a valid operating permit from the New York State or Onondaga County Department of Social Services. Adult care facilities also includes retirement homes and communities, which provide residences for the elderly with some supportive services (see also Retirement Community).

5. Agriculture, Production. Land resources used, and the activity associated with, the production and processing of plants and animals to make them useful to society including the use of temporary structures. Production agriculture can involve the cultivation and production of field crops, fruits, vegetables, horticulture products, nursery and greenhouse crops, livestock and livestock products, timber and fish products and similar activities involving the use of plants and/or animals (see also Farm).

6. Agriculture, Services. Businesses engaged in agricultural activities and/or agribusinesses that are not production oriented but involve complimentary nonagricultural activities including technology, research, marketing and sales.

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

8. Appeal. A formal request to the Board of Appeals for a review of the Building and Zoning Officer's interpretation of any provision of this Law or a request for a variance.

9. Bed and Breakfast. An owner-occupied, one unit dwelling within which overnight accommodations are provided for transient guests in compliance with the New York State Uniform Building Code and generally including the serving of breakfast to guests.

10. Buffer Strip. A strip of land, generally adjacent to a property line, on which a screen of landscaping that will be dense enough and high enough to be a visual buffer is installed and maintained by the property owner.

11. Building. Any structure having walls and covered by a roof or roofs.

12. Building, Front Line of. A line denoting that face of a building nearest the front line of the lot. This face includes sun parlors and covered porches but does not include steps.

13. Cabin or Cottage. A building designed for seasonal occupancy and not suitable for year-round living, whether or not such building is actually occupied seasonally or otherwise.

14. Church or Other Place of Worship. A building or space for public worship and used by an organization that is registered by the State of New York.

15. Communication Tower (see Telecommunications Tower).

16. Community Services. Businesses engaged primarily in the provision of goods and services to a larger population and generally not involving personal care or maintenance (see also Personal Service).

17. Convalescent Home. An extended or intermediate care facility licensed by the State of New York to provide full-time convalescent or chronic care to individuals who are not able to care for themselves. A skilled nursing facility/nursing home.

18. Convenience (Mini) Mart. A small commercial activity that may offer for sale convenience goods, beverages, sundries and motor fuel.

19. Drive-thru. A commercial establishment, or part thereof, that encourages or permits customers to receive services, obtain goods or be entertained while remaining in their vehicles.

20. Dwelling. A permanent building, or part thereof, intended to be used for year-round habitation and designed to provide for eating, sleeping and cooking for one family. For purposes of this Law, temporary shelters such as tents, trailers or other shelters designed to be readily removable from the premises shall not be considered to be a dwelling.

21. Dwelling, Double-Wide Manufactured Home. A pre-manufactured one-family dwelling as defined under the National Home Construction and Safety Standards, as amended, and meeting the applicable Special Conditions set forth in Section 15C of this Law.

22. Dwelling, Factory Manufactured. A one-family dwelling that meets all applicable New York State Building Codes and is constructed by a method or system of construction whereby the basic structure or its components are wholly, or in substantial part, manufactured in a remote facility. A factory manufactured dwelling does not have a hitch or wheels and is designed to be transported by truck to a lot for assembly and permanent installation on a foundation. For purposes of this Law, a Mobile Home as defined herein, whether single-wide or double-wide, is not a factory manufactured dwelling.

23. Dwelling, Multiple-Family. A permanent detached building used or designed as a residence for three or more families living independently of each other and having separate kitchens and bathroom facilities for each unit.

24. Dwelling, One-Family. A permanent detached building designed for, and occupied exclusively by, one family.

25. Dwelling, Two-Family. A permanent detached building designed for and occupied exclusively by two families living independently of each other.

26. Family. An individual, or two or more persons occupying a dwelling unit and living as a single household.

27. Farm. A parcel of land that is used in the raising of agricultural products such as crops, livestock, poultry and dairy goods and meeting the minimum standards for farming operations as established by the State Agriculture and Markets Law. A farm includes structures necessary to the production, storage, maintenance and care of agricultural products and equipment.

28. Flood, Flooding. A general and temporary condition of partial or complete inundation of normally dry areas from an overflow of a stream or other body of water caused by severe storms or unusual and rapid surface water runoff.

29. Garage, Service or Repair. Buildings or premises or portions thereof arranged, intended or designed to be used for the sale of any type of vehicular motor fuel and which may also include areas or structures for polishing, greasing, washing, repairing or otherwise servicing of motor vehicles. A junkyard or salvage yard is not to be construed as a garage.

30. Garage, Private. A carport or enclosed building, usually provided for use by the inhabitants of a residential building, in or about which no business activity or industry connected directly or indirectly with motor vehicles is conducted, and in which no more than four vehicles are housed.

31. Greenhouse, Plant Nursery. Any building or structure in which light, humidity and temperature can be controlled or the growing and protection of flowers and other plants.

32. Height of Building. The average vertical distance from the group outside the foundation wall to the highest point on the roof, exclusive of chimneys.

33. Home Occupation or Business. An occupation or profession which is carried on entirely within a dwelling by one or more members of the family residing in the dwelling and is clearly secondary to the use of the dwelling as a residence, and which meets the performance standards set forth in Section 15(C)(7) of this Law.

34. House Trailer. A vehicle used for living or sleeping purposes and standing on wheels or rigid supports, but does not include HUD approved double-wide manufactured homes, as defined and as restricted herein, or modular homes.

35. Kennel. Any premises, including structures, cages and runs, wherein are harbored more than four domestic animals that are at least four months old and are not owned by the property owner or lessee, for boarding, breeding, grooming, training or selling.

36. Land Use Activity. Any action that occurs on land or in a structure that affects the use or appearance of said land or structure or the intensity of use thereof.

37. Junk Yard. A lot, land or structure, or part thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal, scrap wood, boxes, appliances or other personal property, discarded material or for the collecting, dismantling, storage or salvaging of machinery, appliances or other personal property, or two or more inoperable vehicles, or parts thereof, or for the sale of the whole or parts thereof (see Vehicle, Inoperable).

38. Lot. Any parcel, plot or tract of land separated from other parcels of metes and bounds description, or as shown on a survey or subdivision map, for the purpose of sale, lease or separate use.

39. Lot Coverage. The percentage of a lot covered by the ground level area of a building excluding terraces, decks and porches that are not enclosed or covered by a roof.

40. Lot, Depth of. The mean distance from the street line of the lot to its opposite rear line measured along the approximate median between the two side lines.

41. Lot, Flag. A lot that, at minimum, meets the area requirements of this Law and is connected to a public road right-of-way by a strip of land at least 25 feet in width and containing a private access drive.

42. Mobile Home. A one-family dwelling transportable on its own chassis and wheels, installed on its own wheels or on rigid supports and designed to be towed from one site to another. For purposes of this Law, a HUD-approved double-wide manufactured home or a modular home shall not be considered a mobile home.

43. Non-Conforming Building. A building existing on the date of adoption of this Law, as amended, that does not meet the size, dimension or location requirements of the Zoning District in which it is located.

44. Non-Conforming Lot. A lot of record existing on the date of adoption of this Law, as amended, that does not meet the minimum area or dimension requirements of the Zoning District in which it is located.

45. Non-Conforming Use. A building or use of land existing at the date of adoption of this Law, as amended, that does not conform to the use regulations of the Zoning District in which it is located.

46. Occupancy, Seasonal. Occupancy or use of a structure, building or space for only part of a year, usually for a period that does not exceed six months, total or cumulative, in any calendar year.

47. Open Space. That part of the gross lot area that is not used for building, parking or service, and may include lawns, garden areas, wooded areas, floodable land, driveways and residential parking areas.

48. Parking Space. An area for the temporary parking or storage of motor vehicles and which has at least nine feet of width, eighteen feet of length and seven feet of clear height, together with adequate provision for maneuvering and access thereto.

49. Personal Service Business. Establishments primarily engaged in providing services to individuals and involving personal care or maintenance.

50. Retirement Housing. Self-contained housing development designed for, and marketed to, older people and providing minimal services.

51. Road, Street or Highway Line. The line that is the common boundary line between a lot and a road, street or highway right-of-way.

52. Structure. Anything constructed, erected or installed, the use of which requires a temporary or permanent location on, above or below the surface of land or water.

53. Roadside Stand. A stall or booth used for commercial purposes where farm products are offered for sale, usually on a seasonal basis.

54. School. A public school or a private school (including a parochial school) certified by the Board of Rents of the State of New York, which is devoted primarily to academic instruction and offering a curriculum of study similar to that of a public school and attendance at which is in sufficient compliance with the compulsory education laws of the State of New York.

55. Sign. Any structure, display, device or representation that is less than 60 square feet in area and designed or used to advertise or call attention to any thing, product, person, business, activity, event or place and visible from any road right-of-way. The flag or pennant of any nation, state or municipality shall not be considered a sign.

56. Sign, Outdoor Advertising Billboard. Any device, structure, object or building façade larger than 60 square feet in area, located on private premises, no closer than 50 feet from a public right-of-way and generally used for advertising goods, services, places, activities or events other than those directly related to the premises on which such sign is located.

57. Site Plan. A plan for the proposed development or use of a parcel of land that is prepared and presented for site plan review pursuant to applicable provisions of this Ordinance.

58. Special Conditions. Conditions and standards applicable to certain uses listed herein in **Schedule I** of this Law as "SC" which conditions and standards must be complied with before a permit can be issued by the Building and Zoning Officer.

59. Special Use Permit. A permit from the appropriate Town agency, as specified in this Law, authorizing certain uses listed herein in **Schedule I** as "SP" which will be permitted subject to specified requirements and conditions to assure that the proposed use is in harmony with the intent of the Zoning Law and will not adversely affect the neighborhood if the requirements and conditions can be met.

60. Stable, Commercial. A facility in which horses are boarded or trained for a fee or are kept and made available for hire, sale or other type of remunerative activity.

61. Telecommunication Tower. Any tower, pole or other structure designed to be used for the commercial transmission or reception of television, radio and cellular telephone signals, microwave or similar electronic impulses. Does not include amateur radio (HAMS) installations.

62. Used Car Lot. The use of a premises for public selling or offering for sale of two or more vehicles at any one time.

63. Variance. Written authority to deviate from any regulations of the Law, said authority to be obtained from, or denied by, the Board of Appeals in accordance with applicable provisions of this Ordinance.

64. Variance, Area. Authorization by the Board of Appeals to use land in a manner that would not otherwise be allowed because of dimensional or physical requirements and regulations set forth in **Schedule II** or other applicable regulations of this Law.

65. Variance, Use. Authorization by the Board of Appeals for the use of land or a building that is otherwise not allowed or is prohibited by the provisions of **Schedule I** or other applicable regulations of this Law and meeting applicable criteria of State Law.

66. Vehicle, Inoperable or Wrecked. Two or more vehicles that cannot be operated because they are unlicensed or unregistered, or one or more vehicles that are used for parts or are wrecked or are otherwise inoperable.

67. Yard, Front. An open space extending across the entire width of a lot, between the road right-of-way and the front line of any potential building, projected to the side lines of the lot. Front yard depth shall be measured between the building line and the road right-of-way.

68. Yard, Rear. An open space extending across the width of a lot, between the rear line of the lot and a line parallel to the rear line, and at a distance therefrom as specified in **Schedule II** of this Law.

69. Yard, Side. An open space on the same lot with any potential building, between such building and the side lot line and extending from, the front yard line to the rear yard line.

ARTICLE III

Section 3. **USE DISTRICTS.**

The Town of Fabius is hereby divided in the following Use Districts or Zones:

- A-1 Agriculture
- A-2 Agriculture (rural open space)
- R-1 Residential (low density)
- R-2 Residential (moderate density)
- C-1 Commercial
- I-1 Industrial

Section 4. **ZONING MAP.**

The location and boundaries of such Use Districts are hereby established as delineated and shown on the Zoning Map accompanying this Law and a part thereof, upon which map the various Use Districts and Zones are designated by the symbols shown on the said Map and subdivisions thereof.

Section 5. **BOUNDARIES OF DISTRICTS.**

Where Use District boundaries shown on the Zoning Map are not streets or highways or a specified distance from the center line of streets or highways, and where property has been divided into blocks and lots, and a map or maps thereof have been filed in the Onondaga County Clerk's Office, said Use District boundaries shall be construed to be the lot lines nearest to the Use District boundaries as shown on the Zoning Map.

ARTICLE IV

Section 6. APPLICATION OF REGULATIONS.

Except as herein provided:

A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located. All uses not specifically listed in **Schedule I** are hereby prohibited in any use district (see Article V, Section 14 B).

B. Unless a variance has been granted by the Board of Appeals, no building shall hereafter be erected or altered to:

1. Exceed the height; or

2. Occupy a greater percentage of lot area; or
3. Have narrower or smaller rear yards, front yards or side yards than specified in **Schedule II** of this Law for the District in which such building is located.

C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Law shall be included as part of a yard or other open space similarly required for another building.

Section 7. **A-1 AGRICULTURE DISTRICT.**

A. **Purpose.** The intent of the "A-1" District is to identify areas where agriculture is the dominant and most important land use activity. Productivity is high and consistent in some areas and variable in others. Farming, farm-related businesses and agricultural services are the long-range and desired land use activities. Some non-agricultural development, primarily low-density housing, has occurred and is anticipated in the future. Regulations and development standards for the "A-1" District are intended to preserve the ability to engage in intensive agricultural practices, to support a limited amount of compatible non-farm development, to preserve the traffic-carrying function of major roads and to minimize potential conflict between farm operations and non-farm land uses.

- B. Uses permitted in the A-1 Agricultural District – see **Schedule I.**
- C. Lot area and dimensional requirements – see **Schedule II.**

Section 8. **A-2 AGRICULTURE DISTRICT.**

A. **Purpose.** The intent of the "A-2" District is to identify areas of less intensive and productive farming activity and land where preservation of natural resources, reforestation and public or private recreational activities are predominant land uses. In some locations, large areas of "A-2" land are owned and controlled by some level of government; in other areas, land uses such as ski slopes and golf courses have been developed and are privately owned. Low-density, single-family housing has also been built in some locations and is generally compatible with the desired openness of the District. Regulations and development standards for this District are intended to limit the type of development activity that can occur and to preserve and encourage the openness that currently defines the character of this area.

- B. Uses permitted in the A-2 Agricultural District – see **Schedule I.**
- C. Lot area and dimensional requirements – see **Schedule II.**

Section 9. **R-1 RESIDENTIAL DISTRICT.**

A. **Purpose.** The intent of the "R-1" District is to designate areas where concentrations of low-density housing, primarily one-family residences, is the expected and desired land use. Such areas are generally located adjacent to "R-2" Districts and are intended to be somewhat less densely developed. Farming and limited types of non-residential development can also be appropriate in "R-1" Districts. Regulations and development standards for this District are intended to preserve open space, as well as the physical and visual character of existing development, to provide areas where future low-density residential development can occur and to preserve, to the extent practicable, the traffic-carrying functions of existing major roads.

B. Uses permitted in R-1 Residential District – see **Schedule I.**

C. Lot area and dimensional requirements – see **Schedule II.**

Section 10. **R-2 RESIDENTIAL DISTRICT.**

A. **Purpose.** The intent of the "R-2" District is to designate areas where a mixture of residential types and a limited amount of compatible non-residential development would be appropriate. Regulations and development standards will allow for increased density when adequate water and sewage disposal services can be provided. "R-2" Districts are generally located in or adjacent to concentrations of existing development such as the Village of Fabius and the hamlets of Apulia and Apulia Station.

B. Uses permitted in R-1 Residential District – see **Schedule I.**

C. Lot area and dimensional requirements – see **Schedule II.**

Section 11. **C-1 COMMERCIAL DISTRICT.**

A. **Purpose.** The intent of the "C-1" District is to designate limited areas where a variety of commercial and personal service uses can be located. Housing would also be appropriate in such area especially on upper floors over non-residential land uses on the ground floor. Regulations and development standards for "C-1" areas will help to provide opportunities for basic commercial goods and personal services needed by Town residents. While a variety of non-residential land uses would be appropriate in "C-1" areas, preservation of the basic character of existing development is also an important consideration.

B. Uses permitted in C-1 Commercial District – see **Schedule I.**

C. Lot area and dimensional requirements – see **Schedule II.**

Section 12. **I-1 INDUSTRIAL DISTRICT.**

A. **Purpose.** The intent of the "I-1" Industrial District is to designate limited areas where activities involving light manufacturing, fabrication, assembly, research and similar land uses can be appropriate. Some commercial land uses could also be suitable in such "I-1" areas. Regulations and standards for "I-1" Districts will establish criteria for the review of development proposals and for assuring the new land uses will not detract from, or be inconsistent with, the environmental and development qualities of adjacent and surrounding areas.

B. Uses permitted in I-1 Industrial District – see **Schedule I.**

C. Lot area and dimensional requirements – see **Schedule II.**

Section 13. (Reserved for Future Use).

ARTICLE V

Section 14. **DISTRICT REGULATIONS AND SCHEDULES.**

A. **Schedule of Regulations.** Regulations and controls affecting the use of land in the Town of Fabius are set forth in **Schedule I**. Regulations and controls affecting lot size, yards, building height and similar area and dimensional considerations are set forth in **Schedule II**. Said **Schedules I** and **II** are hereby adopted and, with all explanatory matter and references thereon, or related to, are hereby made part of this Law and included herewith.

B. **Excluded Uses or Activities.** Any land use or activity not set forth in **Schedule I** is not permitted in the Town of Fabius until such use is included in the said **Schedule I** by an amendment to this Law in accordance with Article XI, Section 24 hereof.

C. **Special Conditions and Special Permits.** When **Schedule I** specifies that special conditions apply to a land use or structure, or that a special use permit is required, a building permit will be issued for such land use or structure only after applicable conditions have been met or a special use permit has been authorized.

D. **Schedule I: Land Uses and Activities** (following).

E. **Schedule II: Lot Size, Yards, Height** (following **Schedule I**).

SCHEDULE I: LAND USES AND ACTIVITIES - TOWN OF FABIUS

P = Permitted as of Right SC=Permitted with Special Conditions (See Sec.15.C) SP=Special Use Permit needed (See Sec.15.D) NP=Not Permitted	DISTRICT						REFERENCE
	A-1	A-2	R-1	R-2	C-1	I-1	
LAND USE							
1 Dwelling, one family	P	P	P	P	P	P	
2 Dwelling, two family	SP	SP	P	P	P	NP	See Sec. 15.D.3.(a)
3 Dwelling, multiple family	NP	NP	SC	SC	SC	NP	See Sec.15.C.3
4 Dwelling, converting an existing dwelling into 2 dwellings	SP	SP	P	P	P	NP	See Sec.15.D.(a)
5 Dwelling, factory manufactured	P	P	P	P	P	P	See Definitions
6. Dwelling, double-wide manufactured home	SC	SC	SC	SC	SC	SC	See Definitions See. Sec.15.C.4
7 Mobile home	SC	SC	SC	SC	NP	NP	See Sec.15.C.5
8 Farm, farming, farm building, sale of farm products	P	P	P	P	NP	NP	
9 Roadside stand	SC	SC	SC	SC	SC	NP	See Sch.15.C.6
10 Agricultural, industrial or educational research	SP	SP	NP	NP	NP	SC	See Sec.15.C.7 for I-1 See Sec.15.D.3.(b) for A-1, A-2
11 Customary accessory use	P	P	P	P	P	P	See Definitions
12 Home occupation or business	SC	SC	SC	SC	SC	SC	See Sec.15.C.8
13 Public and private school	SP	SP	SP	SP	NP	NP	See Sec.15.D.2 & Must comply with existing law
14 Church, parish house, place of worship	SP	NP	SP	SP	NP	NP	See Sec. 15.D.3.(c)
15 Public library	P	NP	P	P	P	NP	
16 Municipal bldg., commty. center	P	P	P	P	P	P	
17 Park, playground	P	P	SP	SP	NP	NP	See Sec.15.D.2
18 Convalescent home	NP	NP	SP	SP	NP	NP	See Sec.15.D.3.(d)
19 Bed and breakfast	SP	SP	SP	SP	SP	NP	See Sec 15.D.3.(e)
20 Store, shop for conducting any retail business	NP	NP	NP	NP	P	P	

P = Permitted as of Right SC=Permitted with Special Conditions (See Sec.15.C) SP=Special Use Permit needed (See Sec.15.D) NP=Not Permitted	DISTRICT						REFERENCE
	A-1	A-2	R-1	R-2	C-1	I-1	
LAND USE							
21 Bank, office, restaurant, similar community service	NP	NP	NP	NP	P	P	
22 Barber/beauty shop, and similar personal service business (not as a home business)	NP	NP	NP	SP	P	P	See Sec.15.D.2
23 Convenience (mini) mart	NP	NP	NP	SP	SP	SP	See Sec.15.D.3.(f)
24 Mixed commercial/residential use	NP	NP	NP	SP	SP	NP	See Sec.15.D.2
25 Garage, filling station	NP	NP	NP	NP	SC	P	See Sec.15.C.9
26 Commercial self-storage facility	NP	SC	NP	NP	SC	SC	See Sec. 15-C.10
27 Commercial plant nursery; greenhouse	P	NP	SP	NP	NP	SP	See Sec.15.D.2
28 Commercial stable	SC	SC	NP	NP	NP	NP	See Sec.15.C.11
29 Kennel; animal boarding	SC	SC	SC	NP	NP	NP	See Sec.15.C.12
30 Car wash	NP	NP	NP	NP	SC	SC	See Sec.15.C.13
31 General processing, light manufacturing or assembly	NP	NP	NP	NP	NP	SP	See Sec.15.D.2
32 Warehouse or storage of nonagricultural material	NP	NP	NP	NP	NP	SP	See Sec.15.D.2
33 Removal of topsoil, sand, gravel and rock	NP	NP	NP	NP	NP	NP	See Sec.15.A.7
34 Telecommunication tower, pipeline, transmission line, and other utilities	SC	SC	SC	SC	SC	SC	See Sec.16.A.
35 Fire station and related service and similar public safety building and facility	SC	SC	P	P	P	P	Town Board approval required in A-1 and A-2 Districts
36 Wind, solar and similar alternative energy sources	SC	SC	NP	NP	NP	NP	See Sec.15.C.14
37 Sign	SC	SC	NP	NP	SC	SC	See Sec.15.C.15
38 Sign-outdoor advertising billboard	NP	NP	NP	NP	NP	NP	See Definitions
39 Junk yard for vehicles and other junk storage	NP	NP	NP	NP	NP	NP	See Definitions

P = Permitted as of Right SC=Permitted with Special Conditions (See Sec.15.C) SP=Special Use Permit needed (See Sec.15.D) NP=Not Permitted	DISTRICT						REFERENCE
	A-1	A-2	R-1	R-2	C-1	I-1	
LAND USE							
40. Storage of wrecked or inoperable vehicle	SC	SC	SC	SC	SC	SC	See Definitions See Sec. 15.C.16
41 Adult uses	NP	NP	NP	NP	SP	NP	Must comply with Fabius Local Law No.1 of the year 1999
42 Other uses not specifically listed in this Schedule I	NP	NP	NP	NP	NP	NP	See Sec. 14 B

SCHEDULE II: LOT SIZE, YARDS, HEIGHT* - TOWN OF FABIUS

Dist.	Land use	Minimum lot area (acres or sq.ft.)	Minimum lot size (feet)		Minimum yard set back (feet)			Max. bldg. height** (feet)	Remarks
			width	depth	front	side (each)	rear		
A-1	all dwellings	2 acres	300	300	50	50	50	35	Note 1
	all other uses	5 acres	300	300	100	75	50	35	
A-2	all uses	2 acres	300	300	100	50	50	35	Note 1
R-1	1&2 fam. dwg.	1 acre	125	100	50	25	50	35	Notes 1 & 2
	multi-family dwelling	15,000 sf. per d.u. w/ Health Dept. approval of septic systems	125	100	50	25	50	35	
	all other uses	1 acre	100	100	50	20	50	35	
R-2	1&2 fam. dwg.	1 acre	100	100	25	15	25	35	Notes 1 & 2
	multi-family dwelling	15,000 sf. per d.u. w/ Health Dept. approval of septic systems	100	100	25	15	25	35	
	all other uses	1 acre	80	100	25	15	25	35	
C-1	1&2 fam. dwg. dwelling	1 acre	80	100	25	15	25	35	Notes 1, 2 & 3
	multi-family dwelling	15,000 sf. per d.u. w/ Health Dept. approval of septic systems	100	100	30	20	25	35	
	all other uses	1 acre	80	100	5	5	25	35	
I-1	all uses	1 acre	100	200	25	15	20	35	Note 1

dwg. = dwelling; d.u. = dwelling unit

* Minimum area, lot size and set back requirements may be modified by Special Conditions or Special Permit requirements which take precedence over this Schedule II.

** Maximum building height does not apply to agricultural uses.

Note 1: To preserve the traffic-carrying capacity of major roads and reduce the accident potential related to multiple driveway intersections on major roads, minimum lot width on any lot fronting on Route 80 and Route 91 is 500 feet.

Note 2: Corner Lot Transition. On every corner lot in a residential and commercial district there shall be provided on both streets a yard equal in depth to that required for the front yard.

Note 3: Side Yard Transition. Where a lot in a commercial district is adjacent to a lot in a residential district there shall be provided along such adjacent lines a side yard of 30 feet in the commercial district.

ARTICLE VI

Section 15. SUPPLEMENTARY REGULATIONS.

A. **General Provisions.** Except as otherwise provided herein, general provisions set forth in this Section 15 shall apply to land use and development in the Town of Fabius.

1. Conformance. No land or building shall hereafter be used or occupied, and no building shall hereafter be altered, or its use changed, unless such action is in conformance with the regulations specified in this Law for the Zoning District in which such action occurs.

2. Lot in Two (2) Districts. When a lot is divided by a District boundary line, the regulations and requirements of either District may be extended for a distance of fifty (50) feet into the other District, at the lot-owner's discretion.

3. Two (2) Uses in One (1) Structure. If a residential and a non-residential use are to be located in one structure, the applicable lot area, frontage and yard setback requirements for the ground-floor use that faces the road frontage of the property shall apply.

4. Undersized Lots. An existing small lot that does not meet the requirements of this Law at the time it is enacted may be used for any permitted use in the District in which it is located if existing Health Department and other permit requirements can be met.

5. Drainage Ways. Natural drainage ways shall be preserved and shall be kept free of debris or other obstructions to water flow. Where relocation of a natural drainage way cannot be avoided, it must be relocated in a way that will assure the unobstructed flow of storm water.

6. Flood Plains. No structure, facility or land fill shall be erected or place that would impede or change the direction of the flow of water in a designated flood plain area, or that could catch or collect floating debris, or be placed in such a way that the natural force of flood water could carry dislodged material downstream to damage public or private property.

7. Wetlands. Notwithstanding any other provisions of this Law, and particularly **Schedule I** hereof, to the contrary, construction or any other development on any land in the Town of Fabius designated as a wetland pursuant to Article 24 of the State Environmental Conservation Law, shall be in accordance with provisions of the said Article 24 and other applicable state and federal wetland requirements.

8. Excavations or Deposits. Excavation for basements and foundations as well as necessary filling and grading, including removal or deposit of topsoil, gravel or rock, shall be a permitted activity on any lot as part of a legal building permit for construction. Removal of topsoil, sand, gravel or rock for other purposes is not permitted.

9. Height Limitations. The height limitations of this Law shall not apply to buildings used for agricultural purposes, church spires, chimneys, flag poles, antennas, utility lines and similar structures unless such structures are specifically controlled by the Special Conditions or Special Use Permit provisions of this Law.

10. SEQR Requirements. No discretionary action required by this Law shall be taken until there has been compliance with applicable provisions of 6 NYCRR Part 617 and an environmental determination of significance has been made by the lead agency.

B. Site Plan Review.

1. Purpose. The purpose of this Section 15B is to provide for Planning Board review of site plans for certain uses as indicated in **Schedule I** of this Law. Such review is aimed at:

(a) Conserving property values and visual quality as development and change occurs.

(b) Assuring that the development of individual parcels of land does not have a significant adverse impact on adjacent properties or the surrounding neighborhood.

(c) Mitigating potentially negative impacts resulting from development of environmentally sensitive features or areas.

2. Standards for Site Plan Review. Review of a site plan will be guided by existing characteristics and conditions of the site and its surroundings and by particular design objectives, if any, of the applicant. Unless waived or modified by the Planning Board, each site plan for a proposed use requiring site plan approval shall conform to the following general standards:

(a) Storm Water Drainage and Erosion Control. Natural drainage ways shall be used to the fullest extent practicable and the amount of storm water drainage onto, or across, adjacent properties shall not be significantly changed. Development on soils that may erode shall include a sediment and erosion-control plan.

(b) Water and Sewer Facilities. The type and design of any proposed water supply and sewage disposal system shall be approved by appropriate jurisdictions.

(c) Site Lighting. Lighting to be used on a site or the exterior of a building shall be installed so as to minimize glare on adjacent properties and roads.

(d) Off-Site Impacts. Potential off-site impacts such as noise, odor, vibration or traffic shall be identified and measures to mitigate adverse impacts shall be considered.

(e) Landscaping. Adequacy, type and location of trees, shrubs and other landscaping proposed as a visual or sound buffer between the proposed use and adjoining properties or roads shall be assessed and modified as appropriate.

3. Requirements for Site Plan Review. Each request for site plan review shall be submitted to the Planning Board on forms provided by the Building and Zoning Officer. The site plan shall contain the following information, as determined appropriate by the Zoning Officer:

(a) An identification map showing the location and orientation of the proposed development relative to the local road system. A tax map or USGS map is adequate for this purpose.

(b) Gross acreage of the parcel to be developed.

(c) Existing property lines, rights-of-way and names of adjacent property owners including on the opposite side of existing roads serving the site. Tax records are suitable for this.

(d) Indication of existing topography and drainage systems and any significant changes to be made thereto as part of the proposed development.

(e) The location of any designated wetlands and flood plains.

(f) Proposed buildings or land uses, off-street parking areas, access and egress drives, buffer strips (see definitions) or landscape screening proposed; the general location and type of proposed site lighting and any signs to be installed.

(g) Proposed water source and location of any sewage disposal system.

(h) A landscape plan, if any.

Any of the above application requirements may, on the applicant's request, be waived by the Planning Board if circumstances warrant. Also, the Board may request the

applicant to provide additional information when this is needed to make an informed judgment about the proposal.

4. Procedure for Site Plan Review. An applicant for site plan review shall be processed by the following procedure:

(a) Decision. The Planning Board shall make a decision on the application within sixty-two (62) days after the application has been received by the Building and Zoning Officer. The time limit for decision may be extended by mutual consent.

(b) Referrals. At least fifteen (15) days before a decision is made by the Planning Board, appropriate notice shall be mailed to the Onondaga County Planning Agency as required by Section 239-m of the General Municipal Law.

(c) SEQR. Applicable requirements of 6 NYCRR Part 617 shall be followed prior to a decision on application for site plan review.

(d) Conditions. In approving an application for site plan approval, the Planning Board may impose reasonable conditions and restrictions as directly related to the proposed site plan. Any such conditions must be met before a Certificate of Occupancy is issued by the Building and Zoning Officer.

C. **Special Conditions.**

1. Purpose. The purpose of imposing one or more conditions on an application for a building or land use permit is to balance the applicant's interest in developing the land and the Town's interest on minimizing foreseeable adverse impacts of development.

2. Applicability. No building or land use permit shall be issued for any activity listed in **Schedule I** of this Law as having Special Conditions applicable thereto ("SC") until the Building and Zoning Officer is satisfied that applicable conditions, as specified in this Section, have been met.

3. Dwelling, Multiple Family in R-1, R-2 and C-1 Districts.
Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

4. Dwelling, Double-Wide Manufactured Home. Permitted when:

(a) Such homes are HUD approved and certified and no older than four (4) model years when placed on a lot.

(b) Such homes are placed on a full-perimeter concrete block foundation or equivalent.

5. Mobile Home in A-1, A-2, R-1 and R-2 Districts. Permitted when:

(a) Such mobile home is used as a dwelling by employees of an active farm operation.

(b) Such mobile home is being occupied while a permanent home is being built or restored, for which work a building permit has been issued. In such case, the mobile home shall be removed within six (6) months of the issuance of a Certificate of Occupancy for the construction.

6. Roadside Stand in A-1, A-2, R-1, R-2 and C-1 Districts. Permitted when:

(a) No stand or structure of any kind, or part thereof, shall be located or permitted within the right-of-way limits of any public road or highway.

(b) Adequate parking can be provided and located so that vehicles do not have to back onto any adjacent road or highway.

7. Agricultural, Industrial or Educational Research in I-1 District. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

8. Home Occupation or Business in All Districts. Permitted when:

(a) The use is located in a dwelling inhabited by the dwelling owner.

(b) All activity related to such home occupation or business is conducted inside the dwelling.

(c) The business is operated by its owner and not more than three (3) persons who do not live in the dwelling.

(d) The need for off-street parking can be satisfied by no more than four (4) off-street parking spaces in addition to those required by the residence.

(e) The general appearance of the building and lot is compatible with the surrounding neighborhood, except that one (1) unlighted sign no larger than 12 square feet in area may be provided.

(f) The applicant demonstrates that no offensive noise, odor, smoke, dust, heat, glare or electrical disturbance will normally be produced by such business.

9. Garage, Filling Station in C-1 District. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

(b) No repair work is performed outside the building and no inoperable or unlicensed vehicles are stored outside the building.

(c) All pumps are located at least twenty (20) feet from any property line.

10. Commercial Self-Storage Facility in A-2, C-1 and I-1 Districts. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

(b) A screen of trees and other landscaping is provided along the front lot line and in other locations as determined appropriate by the Planning Board.

11. Commercial Stable in A-1 and A-2 Districts. Permitted when:

(a) The minimum lot area for such use is five (5) acres.

(b) Structures used for the stabling of horses are located no closer than 200 feet from the property line of an existing non-farm dwelling.

(c) No outdoor storage of manure and bedding material is located less than 200 feet from the property line of an existing non-farm dwelling.

12. Kennel; Animal Boarding in A-1 and R-1 Districts. Permitted when:

(a) In A-1 Districts, such facility is located on a lot that is at least five (5) acres in area and designed so that outdoor pens and exercise runs are located at least 150 feet from the property line of an existing non-farm residence.

(b) In R-1 Districts, no outdoor pens or exercise runs are provided.

13. Car Wash in C-1 and I-1 Districts. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

(b) Provisions for disposal of wash water is approved by appropriate jurisdiction.

14. Wind, Solar and Similar Alternative Energy Sources in A-1 and A-2 Districts. Permitted when:

(a) Energy produced by such a source is not generated primarily to be used for commercial purposes.

(b) Any structure required by such alternative energy source does not rise more than 60 feet above the surrounding land.

(c) No such energy source is located less than 200 feet from any adjacent residential property.

(d) Approval from the Town Board has been obtained.

15. Sign in A-1, A-2, C-1 and I-1 Districts (see Section 2, Definitions). Permitted when:

(a) Such sign shall have a direct relationship to the activity or ownership of the property on which it is located.

(b) Such sign, whether freestanding or affixed to a building, does not exceed an area of 32 square feet and a height of 12 feet unless affixed to a building, and is located no less than 25 feet from any property line.

(c) If illuminated, such lighting shall not use neon-illumination, shall be non-flashing and shall not shine on adjacent property or roadways.

16. Storage of No More than One (1) Wrecked or Inoperable Vehicles in All Districts (see Definitions). Permitted when:

(a) Such vehicle is located and/or screened so as not to be visible from any public roadway.

D. **Special Use Permit.**

1. Purpose. The purpose of this Section 15D is to set forth supplemental regulations, procedures and conditions that shall apply to certain land uses specified in **Schedule I** as permitted only upon approval of a Special use Permit (SP). No building permit for such land uses shall be issued until the Building and Zoning Officer is satisfied that conditions and requirements set forth in this Section 15D have been complied with or that such conditions and requirements have been waived by the Planning Board or that a variance has been duly granted by the Board of Appeals in accordance with the provisions of Section 274-b.3 of Town Law.

2. General Requirements. Authorization for any Special Use Permit shall be obtained from the Town Planning Board and shall be conditioned on provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate foreseeable detrimental effects on the land value and existing character of property in the surrounding area. To this end, before a Special Use Permit can be authorized, the Planning Board shall determine, after a duly advertised public hearing, whether the following general requirements will be met, as well as any Specific Requirements that are set forth in Section D3. General requirements and findings applicable to all applications for a Special Use Permit are:

(a) That the land use or activity as proposed is generally compatible with other property in the surrounding neighborhood and will not cause substantial injury to the value of such property.

(b) That the land use or activity as proposed will not result in excessive uncontrolled erosion and will not increase the volume or velocity of runoff onto abutting property.

(c) That adequate off-street parking and loading is provided and ingress and egress drives are so designed and located as to cause minimal interference with traffic on abutting roads.

(d) That glare, noise, vibration or electronic disturbance identified as emanating from the proposed development can be mitigated.

(e) That a site plan has been submitted and approved in accordance with applicable provisions of Section 15.3 unless waived by the Planning Board.

3. Specific Requirements. In addition to the General Requirements set forth in Section D(2) above, the following Specific Requirements are applicable to certain land uses that require a Special Use Permit:

(a) Dwelling, Two-Family or Conversion of an of an Existing Dwelling into Two (2) Dwellings in A-1 and A-2 Districts. Requirements:

1. Occupancy of such converted dwellings shall be restricted to farm workers and their families.

(b) Agricultural, Industrial or Educational Research in A-1 and A-2 Districts. Requirements:

1. No more than 30% of the lot shall be covered by structures and parking.

2. Buildings and parking areas are no closer than 50 feet from any property line.

3. Site lighting will not produce glare onto adjacent property or roads.

(c) Church, Parish House, Place of Worship in A-1, R-1 and R-2 Districts. Requirements:

1. Such use is registered with the State of New York.

2. In the A-1 District no parking area is located less than 50 feet from any property line.

3. Landscaping is provided around buildings and parking areas.

(d) Convalescent Home in R-1 District. Requirements:

1. Such facility must be licensed by the State of New York.

2. No principal building shall be located less than 50 feet from any lot line of an adjacent lot.

3. Site lighting will not produce glare on adjacent property or roads.

4. Landscaping is provided in accordance with conditions of site plan approval.

(e) Bed and Breakfast in A-1, A-2, R-1, R-2 and C-1 Districts. Requirements:

1. Off-street parking areas are not located in front yards and are no less than 20 feet from the property lien of an existing residence.

2. Access driveways intersect public roads at approximately ninety degrees and no driveway is located less than 50 feet from the intersection of two (2) public road right-of-way lines.

3. Landscaping is provided in accordance with conditions of site plan approval.

Requirements: (f) Convenience (Mini) Mart in R-2, C-1 and I-1 Districts.

1. No buildings or pump islands are located less than 50 feet from the property line of an existing residence.

2. Lighting of buildings and the site is designed and installed to prevent glare on adjacent lots and roads.

3. No paved area is less than 5 feet from any lot line.

4. Landscaping is provided in accordance with conditions of site plan approval.

ARTICLE VII

Section 16. SPECIAL REGULATIONS.

A. **Utilities.** Extension, enlargement or new construction of railroads, pipelines, telephone and electric transmission lines and other telecommunication facilities shall be undertaken in accordance with Town law after approval by the Town Board.

B. **Visibility at Intersections.** For safety reasons, on a corner lot in any District no obstruction to vision shall be erected, placed, planted or permitted to grow within the triangular area formed by the right-of-way lines of the intersecting roads and a diagonal line connecting a point on each right-of-way line and located 30 feet from their intersection.

C. **Off-Street Parking.** The following off-street parking spaces (see Section 2, Definitions) shall be provided and satisfactorily maintained by the owner of the property which, after the date of enactment of this Law, is erected, enlarged or altered for any of the following purposes:

1. **Dwelling.** At least one (1) parking space for each dwelling unit in the building or buildings.
2. **Place of Public Assembly.** At least one (1) parking space for each eight (8) seats provided for occupants, based on maximum seating capacity.
3. **Restaurant or Other Eating Place.** At least one (1) parking space for each five (5) seats.
4. **Office Building.** At least one (1) parking space for each 300 square feet of office floor area.
5. **Industrial or Manufacturing Establishment.** At least one (1) parking space for each 400 square feet of gross floor area or for each five (5) workers.

All parking spaces shall be located on the same lot with the principal building except that the Board of Appeals may grant an area variance to allow the spaces to be on any lot in proximity to the principal building if it determines that it is impractical to provide parking on the same lot with the principal building.

Section 17. (Reserved for Future Use)

ARTICLE VIII

Section 18. NON-CONFORMING USES.

A. **Continuance.** The lawful non-conforming use of any building or land or portion of premises existing at the time of enactment of this Law, or any amendment thereto, may be continued even though such use, building or land does not conform to the provisions of this Law.

B. **Unsafe Structures.** Any structure or portion thereof declared unsafe by a proper authority must, upon proper notice, be restored to a safe condition or demolished.

C. **Alteration.** Alterations to any building or part thereof that is used to house a non-conforming use shall be made only if the Board of Appeals, upon written request for a variance, has issued a permit therefor subject to any conditions and safeguards the Board deems necessary. Unless otherwise determined by the Board of Appeals, a non-conforming building may be altered only if such alteration conforms to applicable provisions of this Law.

D. **Extension.** A non-conforming use shall not be extended within a building, or on the premises, unless a variance therefor has been granted by the Board of Appeals, but a lawful use may be extended to any part of a lawfully existing non-conforming

27

building. No non-conforming use shall be extended to displace a conforming use unless approved by the Board of Appeals.

E. **Restoration.** If damaged or destroyed, a building, or part thereof, used to house a non-conforming use may be restored if a permit therefor has been issued by the Board of Appeals. Such permit shall be subject to any conditions and safeguards the Board deems necessary. Substantial restoration shall be made within six (6) months unless otherwise determined by the Board.

F. **Abandonment.** Whenever a non-conforming use has been discontinued for a period of six (6) months from the date a notice of abandonment has been issued by the Zoning Officer, such use shall not thereafter be re-established and any future use shall be in conformance with the provisions of this Law.

G. **Changes.** Once changed to a conforming use, no building or land shall thereafter be permitted to revert to a non-conforming use. A non-conforming use may only be changed to a conforming use unless a permit to do otherwise has been obtained from the Board of Appeals.

H. **District Changes.** Whenever the boundary of a district shall be changed so as to transfer an area from one district to another district of different classification, the provisions of this Section 18 shall apply to any non-conforming uses created by such boundary changes.

I. **Cessation.**

Section 19. Reserved For Future Use.

ARTICLE IX

Section 20. **BOARD OF APPEALS: CREATION, APPOINTMENT AND ORGANIZATION.**

A. **Creation.** The Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board which shall also designate a Chairman, all in accordance with Article 16 of Town Law.

B. **Powers and Duties.** The Board of Appeals shall:

1. Have the authority to employ experts and staff and to pay for their services and such other expenses as may be necessary and proper, within a budget authorized by the Town Board.

2. In accordance with Section 267-a of Town Law, adopt rules and regulations with respect to any subject matter over which it has jurisdiction under this Law or Section 267 of Town Law.

C. **Interpretation.** Upon appeal in writing from a written Decision of the Zoning Officer, the Board of Appeals may decide on any question involving interpretation of any provision of this Law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

D. **Special Use Permits and Variances.** After a public hearing and completion of any environmental determinations required by 6 NYCRR Part 617 (SEQR), the Board of Appeals shall:

1. Determine when a Special Use Permit is to be granted for those uses requiring a Special Permit as specified in **Schedule I**, and in accordance with Section 15D of this Ordinance.

2. Determine when a Use Variance is to be approved in accordance with Section 267-b.2 of Town Law for those uses not permitted in the district, as specified in **Schedule I** of this Ordinance as this Schedule may be amended from time to time.

3. Determine when an Area Variance is to be approved in accordance with Section 267-b.3 of Town Law for those situations where area or dimensional regulations specified in **Schedule II**, or elsewhere in this Ordinance, cannot be met.

E. **Imposition of Conditions.** In approving any use variances or area variances the Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as deemed necessary for the purpose on minimizing any adverse impacts such variance may have on the neighborhood or community.

F. **Void Permits.** Any permit or variance granted by the Board of Appeals shall become null and void unless exercised within one (1) calendar year from the date it is granted, unless an extension thereof shall be obtained from the Board of Appeals.

G. **Procedure.** The Board of Appeals shall act in accordance with the procedure specified in Section 267-a of Town Law.

Section 21. (Reserved)

ARTICLE X

Section 22. ADMINISTRATION.

A. **Enforcement.** This Law shall be enforced by the Building and Zoning Officer of the Town of Fabius to be appointed by the Town Board.

B. **General Duties.** It shall be the duty of the Building and Zoning Officer to:

1. Make a record of non-conforming uses and buildings existing at the time of adoption of this Law.
2. Approve or disapprove applications for a Building Permit made pursuant to the provisions of this Law.
3. Issue a Certificate of Occupancy, or notice of rejection thereof, in accordance with the provisions of Section 22D of this Law.
4. Serve written notice of the violation of any provisions of this Law upon the person or entity committing or permitting such violation. If such violation has not ceased within such reasonable time as the building and Zoning Officer may specify in the notice, action, as may be necessary to terminate or correct the violation, shall be taken by the Building and Zoning Officer.
5. Keep the Board of Appeals advised on duties pertaining to the enforcement of this Law.
6. Keep necessary and appropriate records, including building permits and certificates of occupancy, and file them in the Office of the Town Clerk.
7. Submit monthly reports to the Town Board enumerating the applications for building permits and certificates of occupancy received, and inspections made, and stating the actions taken.

C. **Building Permits.**

1. No building or structure shall be erected, altered, enlarged, remodeled or extended except after approval of a written
2. Unless waived by the Building and Zoning Officer, the required application shall include a map or survey appropriate for filing with the County Clerk, and prepared by a licensed engineer or surveyor, showing the dimension and detail of the boundary lines of the lot of occupancy, the location of all existing buildings, the location of the building to

be constructed or altered and the dimensions, as appropriate, from the proposed building to the front, side and rear property lines.

3. The Building and Zoning Officer shall determine whether the required application for a building permit is complete and when additional information is necessary to assure compliance with this Law. Each application shall be endorsed and signed by the Officer. If disapproved, the reasons therefor shall be stated on the application.

4. Unless extended by the Building and Zoning Officer, any approved building permit shall become null and void if not acted upon within one (1) year from the date of approval.

D. Certificate of Occupancy.

1. Upon completion of any new construction or alteration for which a building permit has been issued, and prior to occupancy of any new or altered building or structure, the Building and Zoning Officer shall inspect the premises for compliance with this Zoning Law and other applicable laws and regulations. If, in the best judgment of the Officer, the construction meets all applicable regulations, specifications and conditions, a Certificate of Occupancy shall be issued and the building occupied.

2. If any building or structure for which a building permit has been issued is in violation of the provisions of this Zoning Law, the Law shall be enforced as stated in Section 23 herein.

3. Upon request, the Building and Zoning Officer may issue a temporary Certificate of Occupancy allowing occupancy of a building or structure, or parts thereof, before the entire work covered by the building permit has been completed, provided such portion(s) as have been completed may be occupied safely without endangering public life or welfare.

E. Fees.

The amount of any fees to be charged for applications, interpretations, special permits, variances, certificates of occupancy, inspections and other services and acts required by, or arising from, application of this Law shall be fixed from time to time by resolution of the Town Board.

Section 23. VIOLATIONS AND PENALTIES.

The owner or general agent of a building or premises where a violation of any provisions of this Law has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has

been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises or any part thereof in which any violation shall exist, shall be guilty of a misdemeanor punishable by a fine not exceeding Three Hundred Fifty and 00/100 Dollars (\$350.00) or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than Three Hundred Fifty and 00/100 Dollars (\$350.00) nor more than Seven Hundred and 00/100 Dollars (\$700.00) or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine not less than Seven Hundred and 00/100 Dollars (\$700.00), nor more than One Thousand and 00/100 Dollars (\$1,000.00), or imprisonment for a period not to exceed six (6) months, or both.

Each week's continued violation after notice thereof has been given as herein provided shall constitute a separate violation. Such notice shall be in writing, signed by the Zoning Officer, and shall be served upon the person or persons committing such violation either personally or by registered mail or by certified mail to such person or persons at his or their last known address.

In addition, the Town authorities shall have such other remedies as are provided by law to restrain, correct or abate any violation of this law.

ARTICLE XI

Section 24. AMENDMENT.

- A. Pursuant to Section 265 of Town Law, the regulations, restrictions, map and boundaries of district shown on such map may from time to time be amended, modified or repealed by the Town Board after notice, public hearing and findings as provided by law.
- B. Any person owning real property in the Town may petition fro a change of zones for all or part of the land owned.
- C. Certain proposed amendments to this Law shall be submitted to the Onondaga County Planning Department for review in accordance with Section 239-m of the General Municipal Law.
- D. Proposed amendments shall require approval by a simple majority vote of the Town Board, except that any such amendment shall require approval of at least three-fourths of the Board when such amendment is the subject of a written protest presented to the Town Board and signed by:

- (a) Owners of twenty percent (20%) of the area of land included in the proposed change, or
- (b) Owners of twenty percent (20%) or more of the area of land immediately adjacent to the land included in such proposed change, extending one hundred (100) fee therefrom, or
- (c) Owners of twenty percent (20%) or more of the land directly opposite the land included in such proposed change, extending one hundred (100) fee from the street frontage of such opposite land.

ARTICLE XII

Section 25. **PLANNING BOARD CREATION.**

Pursuant to Section 271 of Town Law, the Town Board is hereby authorized to create a Planning Board and to determine the powers and duties of such Board.

ARTICLE XIII

Section 26. **INTERPRETATION.**

In their interpretation and application, the provisions of this Zoning Law shall be held to be the minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or deed restrictions, the most restrictive, or that imposing the higher standards, shall govern.

Section 27. **VALIDITY.**

Any part or provision of this Zoning Law that is adjudged invalid by any Court of competent jurisdiction shall not invalidate any other Section or provision thereof.

Section 28. **REPEAL.**

This Zoning Law shall repeal the ordinance entitled "The Zoning Ordinance of the Town of Fabius, 1958", duly adopted by the Town Board of the Town of Fabius on February 20, 1958 as this may have been subsequently amended.

Section 29. **EFFECTIVE DATE.**

This Zoning Law shall be in force and effective immediately upon adoption and filing as provided by law.

Local Law Filing

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

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

~~COUNTY~~

~~CITY~~ of Fabius

Town

~~VILLAGE~~

Local Law No. 1 of the year 20 07

A local law entitled "Zoning Law of the Town of Fabius"
(Insert Title)

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

~~COUNTY~~

~~CITY~~ of Fabius

Town

~~VILLAGE~~

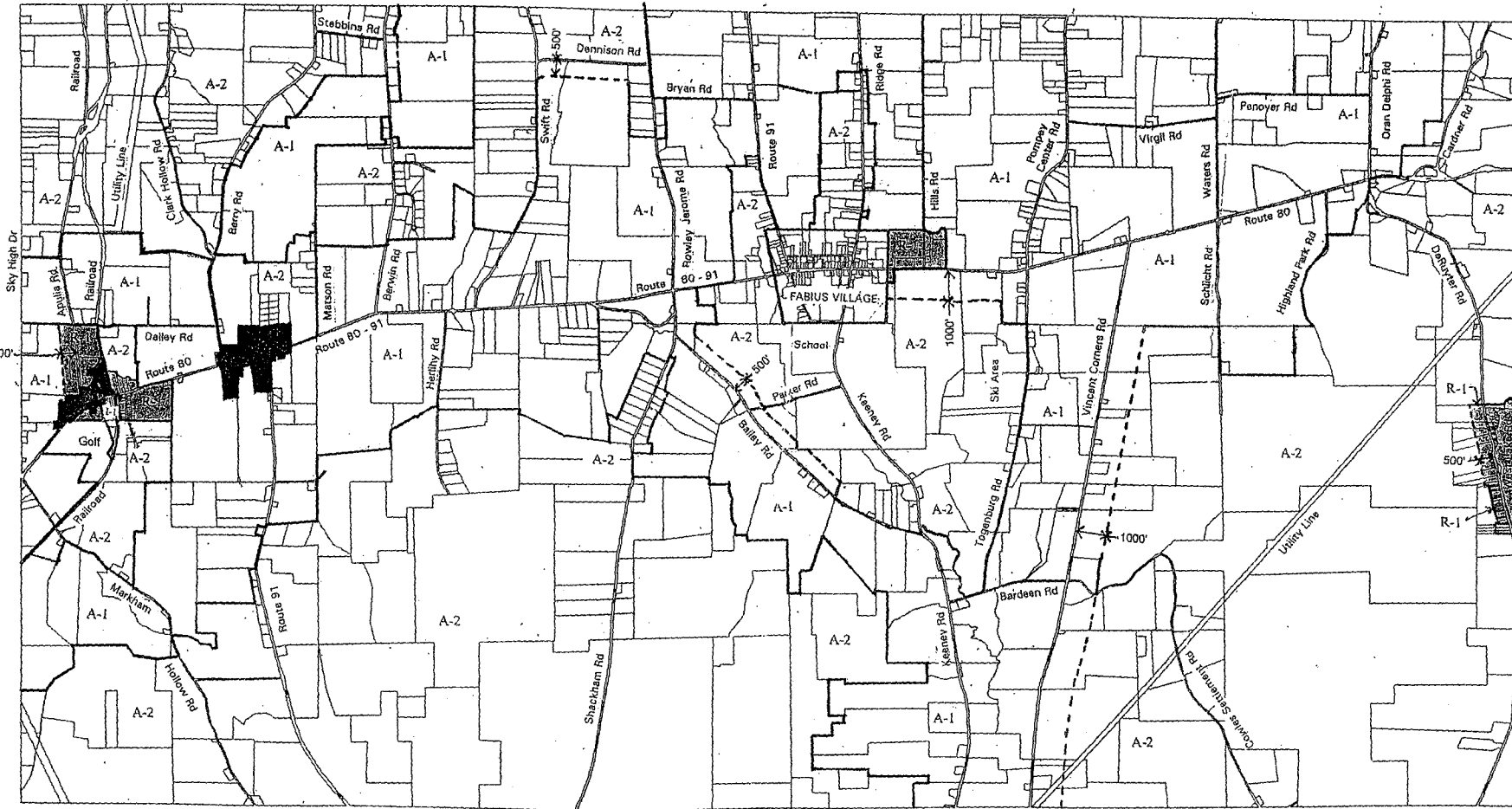
as follows:

Section 1. Pursuant to the authority conferred by Article XVI of the Town Law of the State of New York, and for each and every purpose specified in such Article, the Town Board of the Town of Fabius hereby repeals all of its existing Zoning Local Laws, Ordinances and Amendments to them, and hereby enacts the following Comprehensive Zoning Law regulating the location and use of buildings, structures and land for trade, commercial, residence, farming and other purposes.

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

TOWN OF FABIUS

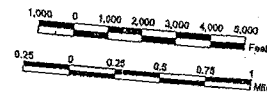
Onondaga County, New York

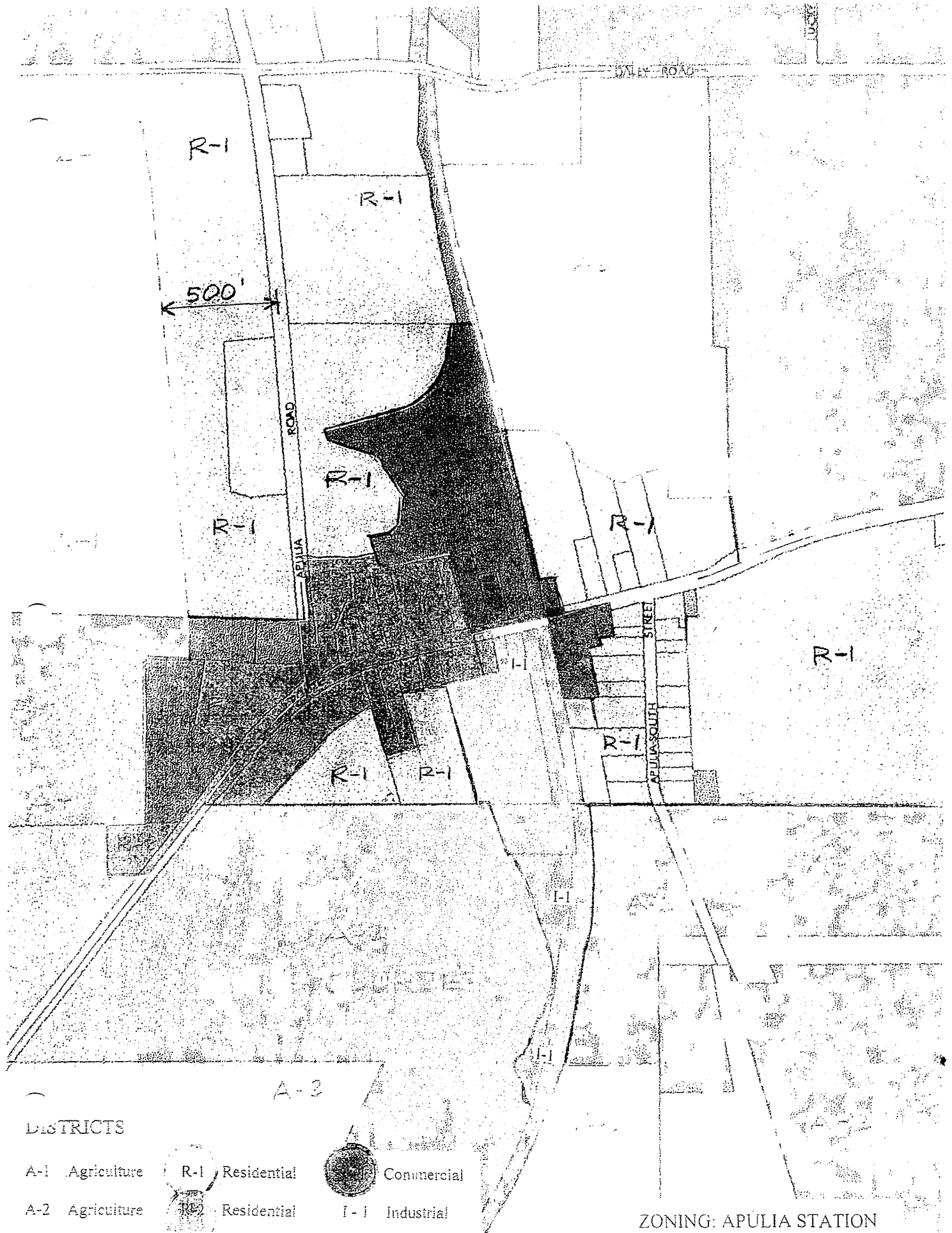


ZONE BOUNDARY LINE

- DISTRICTS**
- A-1 Agriculture
 - A-2 Agriculture
 - Residential (stippled pattern)
 - Residential (solid black)
 - Commercial (solid black circle)
 - I-1 Industrial

ZONING ORDINANCE (revised:)





DISTRICTS

- A-1 Agriculture
- A-2 Agriculture
- R-1 Residential
- R-2 Residential
- I-1 Industrial
- Commercial

ZONING: APULIA STATION