

Town of Oswego

Zoning Law

November 2, 2009

Town of Oswego Zoning Law

Table of Contents

<u>Title</u>	<u>Page</u>
Article I. General Provisions	3
A. Title, Purpose and Intent	
Article II. Boards and their functions (<i>Planning 101: NYS Style</i>)	
a. Town Board	5
b. Town Planning Board	5
c. Town Zoning Board of Appeals (ZBA)	5
d. Code Enforcement Officer (CEO)	9
Article III. Official Zoning Map, Administration, and Penalties	9
a. Establishment of Boundaries and Districts	10
b. Determination of District Boundaries	11
c. Zoning Classifications	11
Article IV. Site Plan Review	18
Article V. Special Use Permits	21
Article VI. Variances	23
Article VII. Planned Unit Development	25
Article VIII. Off-Street Parking	28
Article IX. Mobile Home Park Regulations	30
Article X. Signs	31
Article XI. Supplementary Regulations	35
Prohibited Activities	35
Condominiums	35
Water Supply and Sewage Disposal	36
Accessory Uses and Structures	36
Permitted Accessory Uses	36
Prohibited Accessory Uses	36
Use Limitations	37
Outdoor Storage	37

Keeping of livestock	37
Parking of commercial vehicles in residential districts	38
Swimming pools	38
Supplemental set back restrictions	38
Fences and hedges	38
Commercial activities that sell gasoline to the public	39
Yard sale	39
Excavations for soil mining	39
 Article XII. Specific Use Regulations	 40
a. Accessory buildings and uses	40
b. Activity Standards	40
c. Campgrounds	40
d. Adult Uses	41
e. Junkyard	42
f. Landscaping	45
g. Cellular and Telecommunication Towers	46
h. Erosion control	47
i. Wetlands Protection	52
j. Protection and Buffering of Streams and Other Water Bodies	60
 Article XIII. Permits	 63
 Article XIV. Nonconforming Buildings, Uses and Lots	 66
 Article XV. Special Flood Hazard Areas	 68
 Article XVI. Definitions	 79
 Appendix	
Other Local Laws	90
Signs	92
Bulk and Area Dimensions	93

Article I. General Provisions

A. Title.

This local law and the Official Zoning Map made a part hereof shall be known and may be cited and referred to as the "Zoning Law of the Town of Oswego."

B. Purpose and Intent.

This local law is enacted in order to promote the health, safety, morals and welfare of the residents of the Town of Oswego and to implement the Comprehensive Plan of the Town. To these ends, this local law is designed:

- (1) To guide and regulate the orderly growth, development and redevelopment of the Town of Oswego in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.
- (2) To protect the established character of existing residential neighborhoods and commercial and business areas and the social and economic well-being of the residents.
- (3) To promote, in the public interest, the utilization of/and for the purposes for which it is best adapted in harmony with the established character of the Town.
- (4) To reduce or prevent congestion in the public streets.
- (5) To facilitate the creation of a convenient, attractive and harmonious community.
- (6) To expedite the provision of adequate transportation, water, sewerage, flood protection, disaster evacuation, schools, parks, forests, playgrounds, recreational facilities and other public requirements.
- (7) To protect against destruction of, or encroachment upon, historic areas and sites.
- (8) To preserve existing and facilitate the provision of new housing to the community.
- (9) To protect against one or more of the following: overcrowding of/and, undue concentration of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood panic or other dangers.
- (10) To promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.
- (11) To provide for the preservation of environmentally sensitive areas and agricultural lands.

C. Applicability.

- (1) Territorial Application: The regulations and restrictions in this local law shall apply to all buildings, structures, land, water and uses within the territorial limits of the Town of Oswego, New York, as same presently exists or as may hereafter be amended.

- (2) **General Application:** All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter and all enlargements of, additions to, changes in and relocations of existing buildings occurring hereafter and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this local law. Existing buildings, structures and uses which comply with the regulations of this local law shall likewise be subject to all regulations of this local law. Existing buildings, structures and uses which do not comply with the regulations of this local law shall be governed by the provisions as listed in Article XIV which deals with non conforming uses and structures.

D. Compliance Required

No building or structure; no use of any building, structure or land; and no lot now or hereafter existing shall hereafter be established, altered, moved, subdivided or maintained in any manner except as authorized by the provisions of these regulations.

E. Interpretation of Provisions

- (1) **Conflicting provisions:** Whenever any provision of this local law imposes a greater requirement or a higher standard than is required in any state or federal statute or other Town law or regulation, the provision of this local law shall govern. Whenever any provision of any state or federal statute or other Town law or regulations imposes a greater requirement or a higher standard than is required by this local law, the provision of such state or federal statute or other Town law or regulation shall govern.
- (2) **Provisions are minimum requirements:** In interpreting and applying, the provisions of this local law, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, morals or general welfare.

F. Notification

All actions taken in relation to this law must be part of a public notification process; the following process will be utilized unless otherwise specifically stated by the Town Board.

Notification signs will be placed on properties that are seeking variances, zone change or special permit approvals. These signs must be placed on the property and be able to be viewed from the street. In the case that a property has frontage on more than one street, additional signs will be required. The signs will be available from the Town Clerk and will be placed on the property by the applicant.

The sign shall be placed on the property at least ten (10) days before the public hearing.

G. Zoning Board of Appeals and Planning Board Notification

Public Notice of an action by the zoning board of appeals and planning board. Notification shall be published at least five (5) days prior to the meeting at which the action will be discussed.

For activities involving the Town Board written public notification in the official newspaper shall be provided ten (10) days before the meeting.

H. Amending Zoning Law

Notification to amend this law shall be published in the local newspapers.

Written notice, at least ten (10) days prior to the date of the public hearing, affecting property within five hundred (500) feet of the following will be served personally or by mail by the town upon each person or persons listed below:

The property of the housing authority, erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance there to.

The boundary of a city, village or town; upon the clerk there of;

The boundary of a county: upon the clerk of the legislative body;

The boundary of a state park or parkway: upon the Regional State Park Commission having jurisdiction over such state park or parkway;

Additional public participation requirements –

All requirements as stated in Sections 239 (l) and (m) of the General Municipal Law of the State of New York.

Public Hearing

The public including those served written notification shall have an opportunity to be heard at the public hearing.

Article II. a. Town Board

The legislative body of the Town is the Town Board. A Town Board is made up of persons elected by the voting residents of the town. The Town of Oswego, Town Board is made up of five (5) members, one (1) of which is the Town Supervisor.

Article II. b. Town of Oswego Planning Board

Planning Board:

The Town Board is authorized by local law to create a Planning Board, consisting of five (5) or seven (7) members and designate the Chairperson.

Article II. c. Zoning Board of Appeals (hereinafter ZBA)

A. ZBA:

Every Town Board that adopts a local law or ordinance and any amendments thereto must have a board of appeals consisting of three (3) to five (5) members. The ZBA must appoint a chair person. In the absence of a chairperson, the ZBA may designate a member to serve as acting Chairperson. The Town Board may provide compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purpose.

(1) Membership:

No person who is a member of the Town Board shall be eligible for membership on the ZBA.

(2) Quorum:

A quorum is a majority of the members present. For voting purposes a majority of the members present can vote to approve or disapprove matters brought before the Board.

(3) Training and Attendance Requirements:

Each member of the ZBA shall complete at a minimum, four (4) hours of training each year designated to enable such members to more effectively carry out their duties. All training must be approved by the Town Board and may include, but not limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.

B. ZBA Procedure:

(1) Meetings, minutes, records.

Meetings of such ZBA shall be open to the public to the extent provided in Article Seven (7) of the Public Officers law. Such ZBA shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

Filing requirements

Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the ZBA shall be filed in the office of the Town Clerk within five (5) business days and shall be a public record.

(2) Assistance to ZBA.

The ZBA shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the town board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance. The cost is determined by the Town fee schedule.

(3) Hearing appeals.

Unless otherwise provided by local law or ordinance, the jurisdiction of the ZBA shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer (CEO) with the enforcement of any ordinance or local law adopted pursuant to this article. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.

(4) Filing of administrative decision and time of appeal.

- a. Each order, requirement, decision, interpretation or determination of the CEO zoning local law or ordinance shall be filed in the office of the CEO, within five (5) business days from the day it is rendered, and shall be a public record. Alternately, the Town Board may, by resolution, require that such filings instead be made in the Town Clerk's office.

- b. An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official, by filing with such CEO and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.

(5) Stay upon appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the CEO charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the ZBA, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

(6) Hearing an appeal.

The ZBA shall fix a reasonable time for the hearing of the appeal or other matter referred to it and gives public notice of such hearing by publication in a paper of general circulation in the town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Town Clerk prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

(7) Time of decision.

The ZBA shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.

(8) Filing of decision and notice.

The decision of the ZBA on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

(9) Notice to Park Commission and County Planning Board or agency or regional planning council

At least five (5) days before such hearing, the ZBA shall mail notices thereof to the parties; to the regional State Park Commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal; and to the County Planning Board or agency or regional planning council, as required by section (239-m) of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one (1) of section (239-m) of the general municipal law.

(10) Compliance with State Environmental Quality Review Act.

The ZBA shall comply with the provisions of the State Environmental Quality Review Act under article eight (8) of the Environmental Conservation Law and its implementing regulations as codified in title six (6), part six hundred seventeen (617) of the New York codes, rules and regulations.

(11) Rehearing.

A motion for the ZBA to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

(12) Voting requirements.

- a. Decision of the Board. Except as otherwise provided in subdivision twelve (12) of this section, every motion or resolution of the ZBA shall require for its adoption the affirmative vote of all the members of the ZBA as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of section (239-m) of the General Municipal Law shall apply.
- b. Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the ZBA is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by subdivision eight (8) of this section, the appeal is denied. The ZBA may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in subdivision twelve (12) of this section.

C. Voting Requirements.

(1) Decision of the ZBA

Except as otherwise provided in subdivision twelve (12) of this section, every motion or resolution of a ZBA shall require for its adoption the affirmative vote of a majority of those members present of the ZBA as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the County Planning Agency or regional planning council, the voting provisions of section (239-m) of the general municipal law shall apply.

(2) Default denial of appeal.

In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the ZBA is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the Enforcement official within the time allowed by subdivision eight (8) of this section, the appeal is denied. The ZBA may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in subdivision twelve (12) of this section.

D. Permitted Action by ZBA

- (1) Orders, requirements, decisions, interpretations, determinations.

The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

- (2) Use variances – See Article VI. e.(1) - Use Variance
- (3) Area variances – See Article VI. e.(2) - Area Variance

Article II. d. Code Enforcement Officer (CEO)

A. Purpose and Intent:

The purpose of having a local CEO is to ensure that all relevant regulations and laws that pertain to land development are adequately addressed. Occasionally, the CEO will need to fine and/or site a property owner; however this is not the main focus of the CEO's position.

B. Responsibilities:

The Town of Oswego CEO is an employee of the town. He or she is responsible for the following activities:

1. Enforcing the Town of Oswego Zoning Law, as reported by the municipal office, citizen complaint or observation of the CEO
2. Administering and/or enforcing the uniform building and fire code on behalf of The Town of Oswego.
3. Issuance of building permits on behalf of the Town of Oswego.
4. Issuance of Certificates of Occupancy on behalf of the Town of Oswego.
5. Setting up bonding activities for specific developments, as defined in the Town of Oswego Zoning Law.
6. Responding to complaints.
7. Provide assistance to the Town Board, Planning Board and ZBA of the Town of Oswego as requested.

Article III. Official Zoning Map, Administration, and Penalties.

- A. The Town is hereby divided into the zoning districts provided in this article and as shown on the map entitled "Official Zoning Map, Town of Oswego, New York," which, together with all explanatory matter thereon, which map is hereby adopted by reference and declared to be part of this local law shall govern. Whenever any provision of any state or federal statute or other Town law or regulation imposes

a greater requirement or a higher standard than is required by this local law, the provision of such state or federal statute or other Town law or regulation shall govern.

- B. Regardless of the existence of purported copies of the Official Zoning Map, the Official Town Zoning Map shall be located in the office of the Town Clerk and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Town, save for subsequent amendments enacted by the Town Board and not yet officially recorded on said map.
- C. No changes of any nature shall be made to the Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this article and it shall be unlawful for any person to make unauthorized changes on the Zoning Map.
- D. Administration: fees
 - (1) The CEO shall be responsible for the administration and enforcement of this local law.
 - (2) The Town Board shall by resolution adopt a schedule of fees for each of the development permits and approvals provided by this local law which fees shall be designed to cover the Town's administrative costs related to such permits and may be revised from time to time by subsequent resolution.
- E. Penalties for offenses.
 - (1) Any person who shall violate any provision of this local law or shall fail to comply with any of its provisions or shall violate or fail to comply with any order, rule, permit, approval or regulation made hereunder shall be cited by the CEO of a violation of this local law.
 - (2) Every violation of this local law is hereby declared to be an offense punishable by fine not exceeding three hundred fifty dollars (\$350) or imprisonment for period not to exceed six 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 years, punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for period not to exceed six months, or both; and, upon conviction for a third (3rd) or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine of not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
 - (3) In addition to the remedies provided in Subsection B above, the Town of Oswego CEO, or his designated agent, is authorized to issue a stop-work order to any person acting in violation of any provision of this local law or the terms of any permit or approval granted there under. Such order, posted at a work site, shall be sufficient notice to require such violator to immediately cease work on the site until an appropriate permit is obtained or the violation otherwise corrected. Failure to abide by a stop-work order shall constitute an additional violation of this local law. The CEO shall have the discretion to permit any person in violation of this local law to place the work site in a safe condition at the time that the stop-work order is issued.

Article III. a. Establishment of Boundaries and Districts

The Town of Oswego is hereby divided into the following zoning districts:

- A. R1/Residential - 1
- B. R2/Residential - 2
- C. R3/Residential – 3
- D. R4/Residential – 4
- E. Rural Transitional
- F. Business
- G. Industrial
- H. Overlay Districts
 - (1) Agricultural District
 - (2) Conservation District
- I. Planned Unit Development
- J. SUNY Oswego District

Article III. b. Determination of District Boundaries

- 1. Questions concerned with the exact location of district boundary lines as shown on the zoning map shall be resolved by the Board of Appeals.
- 2. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than fifty feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Article III. c. Zoning Classifications

- A. R1/Residential - 1
 - (1) Purpose and Intent.

This zoning District is designed to create a residential atmosphere. This district is the most restrictive and exists to provide the Town of Oswego with an area for Single Family housing, with limited accessory uses allowed. This district also has the most restrictive front, side and rear yard requirements.
 - (2) Uses Allowed:
 - 1. Private Garage, storage shed
 - 2. Single Family dwelling
 - (3) Uses Allowed with a Special Permit & Site Plan Approval:

1. Church
2. Family child care home
3. Public Park

**It should be noted that the Coastal Erosion Regulations should be checked prior to authorizing any building or development permits

* Refer to the Bulk and Area chart located on page 102

B. R2/Residential - 2

(1) Purpose and Intent.

This zoning district is to create a residential area which accommodates single family housing and provides opportunity for a variety of accessory uses as a right. This district offers an alternative for landowners who wish to have residential security but allows for other accessory uses that are incidental to residential living.

(2) Uses Allowed:

- a. Single family dwelling
- b. Private garage, storage shed
- c. Family child care home
- d. Home occupation, minor

(3) Uses Allowed with a Special Permit & Site Plan Approval:

- a. Church
- b. Home occupation, major
- c. Public Park
- d. School with a maximum of six hundred (600) students

**It should be noted that the Coastal Erosion Regulations should be checked prior to authorizing any building or development permits.

***Refer to the Bulk and Area Chart located on page 102

C. R3/Residential – 3

The purpose of this district is to provide a variety of residential options. This zoning district allows for small multi-family development 1-4 units. This district could also accommodate Planned Unit Developments.

(1) Uses Allowed:

- a. Accessory structures
- b. Family child care home
- c. Private garage, storage shed
- d. Manufactured home
- e. Single family dwelling
- f. Home occupation, minor

(2) Uses allowed with a Special Permit & Site Plan Approval

- a. Church
- b. Day care center
- c. Home occupation, major
- d. Multi-family 2-4 units
- e. Planned Unit Development
- f. School with a maximum of one thousand (1,000) students
- g. Private stables
- h. Public park

**It should be noted that the Coastal Erosion Regulations should be checked prior to authorizing any building or development permits

***Refer to the Bulk and Area Chart located on page 102

D. R4/Residential – 4

The purpose of this district is to provide for a wide range of housing options; all residential uses are allowed in this district. Single family, 1-4 multi-family units, more than 4 units, manufactured housing and mobile homes. However, this district is primarily residential in character.

(1) Uses Allowed

- a. Accessory structures
- b. Family child care home
- c. Home occupation, minor
- d. Manufactured housing
- e. Mobile home
- f. Single family dwelling
- g. Private garage, storage sheds

(2) Uses allowed with a Special Permit and Site Plan Approval:

- a. Bed and Breakfast
- b. Church
- c. Day care center
- d. Home occupation, major
- e. Multi-family 2-4 units
- f. Multi-family more than 4 units (in accordance with PUD article VII of this local law)
- g. Planned Unit Development
- h. School with a maximum of 1,000 students
- i. Private stable
- j. Public park

**It should be noted that the Coastal Erosion Regulations should be checked prior to authorizing any building or development permits.

***Refer to the Bulk and Area Chart located on page 102

E. Rural Transitional

The purpose of this zoning district is to accommodate transitional uses associated with changing rural areas. This area can accommodate a variety of residential options as well as some agricultural and low impact business activities with a Special Review process.

The Rural Transitional zoning district was developed to embrace a range of activities in a manner that is consistent with residential country living.

(1) Uses Allowed:

- a. Accessory structures
- b. Family child care home
- c. Growing of crops
- d. Home occupation, minor
- e. Keeping of farm animals
- f. Manufactured housing
- g. Mobile home
- h. Single family dwelling
- i. Private garage, storage sheds

(2) Uses allowed with a Special Permit and Site Plan Approval:

- a. Car sales not to exceed four (4) vehicles
- b. Bed and Breakfast
- c. Cemetery
- d. Church
- e. Day care center
- f. Flea market
- g. Golf course or Country Club
- h. Home occupation, major
- i. Horticulture/nursery, commercial
- j. Kennel
- k. Manufactured home park
- l. Multi-family units (in accordance with PUD Article VII of this local law)
- m. Planned Unit Development
- n. Private and Public Stable
- o. School
- p. Public park
- q. Small office building
- r. Used car sales (not to exceed 4 vehicles at anytime)
- s. Vacation resort, camp, cottage or cabin development
- t. Agriculture

** It should be noted that the Coastal Erosion Regulations should be checked prior to authorizing any building or development permits.

***Refer to the Bulk and Area Chart located on page 102

F. Business

The intent of this zoning district is to promote orderly commercial development in areas that will have sufficient

roads and infrastructure.

- (1) Uses allowed with site plan approval
 - a. Accessory structures
 - b. Bed and Breakfast
 - c. Campground
 - d. Church
 - e. Dormitory
 - f. Family child care home
 - g. Golf course or Country Club
 - h. Horticulture/nursery, commercial
 - i. Hospital or elder care facility
 - j. Hotel
 - k. Manufactured Home Park
 - l. Manufactured home
 - m. Multi-family – 1-4 units
 - n. Multi-family units (in accordance with PUD regulations Article VII of this local law)
 - o. Planned Unit Development
 - p. School
 - q. Public Park
 - r. Retail Business or service not otherwise specifically mentioned
 - s. Single family home
 - t. Used Car Sales (not to exceed 4 vehicles at a time)
 - u. Vacation resort, camp, cottage or cabin development

- (2) Uses allowed with Special Permit and Site Plan Approval:

- a. Adult Establishment (use) (as per Article XII. d. of this local law)
- b. Car sales (more than 4 vehicles)
- c. Bar or nightclub
- d. Car sales
- e. Car wash
- f. Cemetery
- g. Convenience Store
- h. Day Care
- i. Equipment rental or sales yard
- j. Flea Market
- k. Garage, public
- l. Garage, repair
- m. Gasoline Station
- n. Junkyard
- o. Kennel
- p. Laundry and or dry cleaning
- q. Office building
- r. Office building – small
- s. Public stable
- t. Recycling center
- u. Restaurant
- v. Self storage facility
- w. Truck terminal

x. Warehouse or distribution

**It should be noted that the Coastal Erosion Regulations should be checked prior to authorizing any building or development permits

***Refer to the Bulk and Area Chart located on page 102

G. Industrial

The purpose of this district is to provide an area for the manufacturing of goods from previously prepared material or finished products or parts, including processing, fabrication assembly, treatment, storage wholesale and distributors. However, prior to development, all supplementary site development regulations for Industrial development must be in place. This is to ensure proper development of Industrial uses because they are naturally more intensive.

To develop in this district the following conditions pertaining to basic infrastructure must be in place prior to submitting for special permit or site plan approval.

Condition #1 - Adequate Roads – The applicant must demonstrate that all appropriate road or roads are designed to handle the additional traffic. Furthermore it is up to the applicant to show that the road can handle the weight of the traffic that it will be accommodating.

Condition #2 - Adequate Water and Sewer Infrastructure – The applicant must demonstrate that adequate water and sewer infrastructure are available to accommodate the proposed use.

(1) Uses Allowed with a Special Permit & Site Plan Approval

- a. Single Family dwelling
- b. Manufactured/Mobile Home as defined in Article XVI of this local law
- c. Home occupation
- d. Accessory Uses
- e. Cemetery and Crematory
- f. Construction or Building material yard
- g. Soil mining
- h. Junk yard
- i. Manufacturing
- j. Mobile/Manufactured Home Park
- k. Public transportation terminal
- l. Public Utility
- m. Truck or freight terminal

**It should be noted that the Coastal Erosion Regulations should be checked prior to authorizing any building or development permits

***Refer to the Bulk and Area Chart, located on page 102

H. Overlay Districts

(1) Agricultural District

The existing overlay will be representative of active agricultural activities as of the date of this local law. Because the definition for the Agricultural District is based on the Department of Agriculture and Markets

information and can change, it was determined that an overlay district was the best method for addressing agricultural uses. This district is designed to allow for agricultural uses throughout the Town. Other Agricultural District designations will need to be applied for in accordance with this local law.

Condition #1 - The overlay district will apply to land that is located within the Department of Agriculture and Markets, Agricultural District as defined by Section 25 AA, of the Agricultural and Markets Law.

Condition #2- The overlay district could change when an agriculture district is added or removed.

a. Allowed Uses:

1. Crops, livestock and livestock products shall include, but not be limited to, the following;
2. Field Crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
3. Fruits, including apples, peaches, grapes, tomatoes cherries and berries.
4. Vegetables including snap beans, cabbage, carrots, beets and onions
5. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers
6. Allowed but not limited to the keeping of livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, rarities, such as ostriches, emus, rheas and kiwis, alpaca, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
7. Maple sap
8. Christmas Trees derived from managed Christmas tree operation whether dug for transplanting or cut from the stump.
9. Aquaculture products, including fish, fish products, water plants and shellfish.
10. Woody biomass, which means short rotation woody crops raised for bio-energy and shall not include farm woodland.
11. Employee housing
12. Sales Office
13. Retail Sales

b. Conditional Use:

Anyone with 25 or more livestock over 600 pounds each or 50 or more livestock under 600 pounds each or poultry over 1000.

I Conservation District

The intent of the conservation overlay district is to ensure that environmentally sensitive areas are preserved. Special regulations are associated with these areas.

The overlay district simply adds additional requirements to the underlying zoning district. Therefore, the allowed uses are still applicable; however, the following conditions must be met in order to develop within the

conservation overlay district.

Condition #1 - Development along the Lake Ontario shoreline must demonstrate that it will be in compliance with the Erosion Control Permit Process.

Condition #2 - All streams and waterways must maintain a one hundred foot (100') natural vegetative buffer.

Condition #3 - State and Federal Wetlands located in the conservation district must be identified and the proper permits must be received from the appropriate agency. In some cases this will entail a wetland delineation by a the New York State Department of Environmental Conservation or the Army Corp of Engineers

Condition #4 - The applicant must provide evidence that the proposed development is in keeping with the FEMA Flood Insurance and Floodway Regulations.

Condition #5 - The applicant must provide evidence that the proposed site does not have any rare, protected, threatened or endangered species. This can be accomplished by contacting NYS DEC.

Condition #6 - The clear cutting of property located within the Conservation District is prohibited.

J. Planned Unit Development

It is the intent and purpose of the Planned Unit Development overlay district to encourage flexible and innovative mixed-use development. This overlay district will be applied when a development is presented in a comprehensive manner and adheres to the PUD regulations as provided in this local law.

Condition #1 - The Planned Unit Development must submit a site plan that is in compliance with Article VII of this local law. Please refer to that section for the applicable standards and requirements.

K. SUNY Oswego District:

This overlay district indicates land owned by the State of New York on behalf of SUNY Oswego.

If any of this land were to be sold or revert to another land owner, the land would be removed from this district and revert to the most compatible zoning district as per the recommendation of the Town of Oswego Planning Board.

Article IV. Site Plan Review

A. Site Plan Review and Approval

The Planning Board, at a regular public meeting, shall review and approve or approve with modifications all permitted uses listed as requiring site plan approval before a building permit is issued.

The Town of Oswego Site Plan Review shall only pertain to those uses indicated by zoning district or that are at least (five thousand) 5,000 square feet or more.

B. Application and Approval Required

- (1) No person shall construct or expand a use covered by this local law without first obtaining approval from the Planning Board after site plan review

- (2) Application for approval shall be made to the Planning Board and shall be accompanied by a site plan in accordance with the provisions of this local law. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, unless otherwise granted permission by the Town of Oswego Planning Board.
- (3) The Planning Board may approve the plans as submitted, approve the plans with changes or reject the plans

C. Sketch Plan Conference

- (1) The Sketch Plan Conference serves as a pre-submission meeting to discuss the proposed plan. The Sketch Plan Conference is optional but waiver of any submission requirements will be considered only if the applicant takes advantage of this option
- (2) At the Sketch Plan Conference, the applicant shall present a sketch plan showing major features of the proposed development such as:
 - a. Location of all proposed and existing structures,
 - b. Ingress and egress
 - c. Proposed Parking
- (3) Location of existing natural and manmade features, including, but not limited to wetlands, watercourses, vegetation and land formations and;
- (4) Description of intended use of site.
- (5) Zoning Classification should be listed on the plan.

D. Time Frame for Submission of Application

- (1) The applicant shall have (one hundred eighty) 180 days after the Sketch Plan Conference to formally submit the site plan. After (one hundred eighty) 180 days, the sketch plan will be considered void. An extension may be granted as long as the applicant requests the extension within the (one hundred eighty) 180 day period.

E. Submission of Application for Site Plan Review

- (1) The applicant shall submit three (3) or five (5) site plans and supporting data prepared by an architect, engineer, land surveyor or planner, and shall include the following information presented in drawn form and accompanied by written text:
 - a. The site plan shall be drawn to scale with north arrow and a date, showing existing features of the property, including contours, large trees, buildings, structures, streets, utility easements, rights of way, land use: ownership of surrounding property;
 - b. Zoning classification should be listed on the plan;
 - c. A property description or deed is required;
 - d. Site plan shall show proposed lots, block, and building locations;

- e. Traffic circulation, parking and loading in compliance with Article VIII Town of Oswego Parking Standards;
- f. Landscaping plans, including site grading, landscape design, and open areas;
- g. Location of water supply and sanitary sewer facilities;
- h. Location of all signage;
- i. Construction sequence and time schedule for completion of each phase if development is presented in phases;
- j. A description of the proposed use or uses, including hours of operation and number of employees;
- k. A completed short form environmental assessment form as provided in part 617 of Title Six of the Official Compilation of Codes, Rules and Regulations of the State of New York;
- l. A list of all federal, state, county, and local permits required for the proposed use including but not limited to SPEDES permit for storm water discharge.
- m. The required application fee.

F. Planning Board Review

All site plan review applications shall be acted upon only after a public hearing by the Planning Board. The Planning Board shall review the site plan and support data before it approves, approves with modifications or disapproves the application. The Planning Board shall take into consideration the following:

- (1) Compliance with local regulations,
- (2) Location, arrangement, size design and general site compatibility of buildings, lighting and signs,
- (3) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road width, pavement surfaces, dividers and traffic controls,
- (4) Location, arrangement appearance and sufficiency of off-street parking and loading,
- (5) Adequacy and arrangement of pedestrian traffic access and circulation, walk way structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (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, as per Article XII f. landscaping, of this local law;
- (9) Adequacy of fire lanes and other emergency zones – (approval of the Town of Oswego Fire District)
- (10) Cumulative impact upon the area;
- (11) Any other factors that the planning board may deem relevant for review or consideration.

G. Performance Bond Requirements

The Planning Board shall require as a condition of site plan approval (for commercial buildings over five thousand (5,000) square feet in floor area) that the owner file a Performance Bond in such amount as they determine to be in the public interest, to insure that the proposed development will be built in compliance with the accepted plan.

H. Fees

All fees required to be paid in accordance with this local law shall be contained in a fee schedule, to be set by the Town Board.

Article V. Special Use Permits

A. Authorization.

- (1) The Planning Board has the authority to grant special permits for special uses.

B. Application.

- (1) All applications for special permits shall be made by the owner or his agent and filed with the Code Enforcement Officer not less than (ten) 10 days prior to the date of the proposed public hearing on the application. No application shall be accepted, considered or scheduled for public hearing until all required materials have been deemed to be complete. The application shall include the following:
 - a. A diagram or plan, to scale, showing the dimensions of the lot on which the proposed use, structure or alteration is proposed, its location on the lot, all structures on the lot, lot dimensions, setbacks, parking and ingress and egress.
 - b. A locational drawing.
 - c. A plan showing the intended use, structure or alteration.
 - d. A description of the proposed use and its operation.
 - e. A list of all property owners (and addresses) of each parcel within (five hundred) 500 foot radius and/or affected property owners.
 - f. The required application fee.
 - g. An short environmental assessment form (EAF).
 - h. Such additional maps, plans and specifications or other information as may be required by the Planning Board.

C. Notice.

- (1) The Town will place a legal notice in the Town's official newspaper, advertising the applicant's name, the property location, the special use permit requested and the time and place for a public

hearing. In addition, the secretary of the Planning Board will notify the Oswego County Department of Planning and Community Development, when required by New York State Law, pursuant to NYS GML 239. A sign will be placed on the property for at least 10 days – identifying the upcoming action.

Refer to Notification Section Page I-F.

D. Public hearing.

- (1) Before acting upon any application for a special permit, the Planning Board shall hold a public hearing thereon.

E. Determination of impact.

- (1) In review of each application, the Planning Board shall determine whether the proposed use would endanger or tend to endanger the public health, safety, morals or the general welfare of the community. In making such determination, it shall consider the following:
 - a. Whether the proposed use will be in harmony with the general purpose and intent of this local law, taking into account the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it and the size of the site with respect to streets giving access to it.
 - b. Whether the proposed use will tend to depreciate the value of adjacent property, taking into account the possibility of screening or other protective measures.
 - c. Whether the proposed use will be detrimental to the flow of traffic in the vicinity or otherwise create a traffic hazard.
 - d. Whether the proposed use will create fire or other safety hazards.
 - e. Whether the size and use of the proposed facility, alone or in combination with similar facilities in the area, will be so substantially out of proportion with the character of nearby residential neighborhoods as to jeopardize the continued use of the neighborhoods for residential purposes.
 - f. Whether the proposed use or operation will produce or present substantial danger of excessive noise, noxious odors, noxious or harmful discharge, fire or explosion, radiation, chemical or toxic release or other conditions injurious to the health or general welfare of occupants of the surrounding area.
 - g. Whether the location and size of the use, the size of the site in relation to the use, the operations in connection with the use and the parking and traffic related to the operations will be such as to create a significant hazard to the safety and general welfare of the surrounding area.
 - h. Whether the proposed use will be detrimental to neighboring property or alter the essential character of the neighborhood.
 - i. Whether the proposed use complies with the State Environmental Quality Review Act (SEQRA).

F. Decision.

- (1) Should the Planning Board determine that the proposed use would endanger or tend to endanger the public health, safety, morals or general welfare of the community, it shall deny the application; otherwise it may grant a special use permit, provided that the proposed use, construction or alteration complies with the provisions of this local law. The Secretary of the Planning Board shall notify the applicant of the decision, and if a special permit be granted, he/she shall issue and deliver the same to the applicant. If the Oswego County Department of Community Development, Tourism and Planning is required to review the application, the Board cannot make a decision thereon until it has received its report on the application.

G. Conditions on permit.

In granting a special permit, the Planning Board may impose reasonable conditions in order to mitigate any adverse effects of the proposed use. If the Planning Board finds such adverse effects cannot be adequately mitigated, then the Planning Board shall deny the special permit.

H. Permit required for expansions or additions.

A special permit is required not only for the original establishment of a specially permitted use but also for any expansions or additions thereto.

I. Revocation of special permit.

Once granted, a special permit may be revoked if, after notice and public hearing, the Planning Board determines that the condition and restrictions imposed upon the permit have been violated or not fulfilled.

Article VI. Variances

A. Authorization.

- (1) The ZBA has the authority to grant Use and Area Variances.

B. Application.

- (1) An application for a variance must be referred by the CEO when the proposed action can not meet the regulatory standard as set forth in this local law. The ZBA, on appeal from the decision of the CEO, shall have the power to grant a variance.
- (2) The application should be filed with the CEO not less than ten (10) days prior to the date of the proposed public hearing on the application. No application shall be accepted, considered or scheduled for public hearing until all required materials have been deemed to be complete. The application shall include the following:
 - a. A diagram or plan, to scale, showing the dimensions of the lot on which the proposed use, structure or alteration is proposed, its location on the lot, all structures on the lot, lot dimensions, setbacks, parking and ingress and egress.
 - b. A locational drawing.
 - c. A plan showing the intended use, structure or alteration.

- d. A description of the proposed use and its operation.
- e. A list of all property owners (and addresses) of each parcel within 200 feet and/or affected property owners.
- f. The required application fee.
- g. A short Environmental Assessment Form (EAF).

C. Notice.

- (1) The Town will place a legal notice in the Town's official newspaper, advertising the applicant's name, the property location, the variances requested and the time and place for a public hearing. In addition, the Secretary of the ZBA or the Town Clerk will notify the Oswego County Department of Community Development, Tourism and Planning, when required by New York State Law, pursuant to NYS GML 239. A sign will be placed on the property for at least 10 days – identifying the upcoming action.

D. Public hearing.

- (1) Before acting upon any application for a variance, the ZBA shall hold a public hearing thereon.

E. Determination of impact.

- (1) Use Variance - In review of each application, the ZBA shall determine whether the proposed request meets the standards for an unnecessary hardship. In order to prove an unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - a. The applicant can not realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
 - c. That the requested use variance, if granted will not alter the essential character of the neighborhood and;
 - d. That the alleged hardship has not been self-created.
 - e. The board of appeals in granting of use variances shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (2) Area Variance – When the ZBA makes its determination it shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health safety and welfare of the neighborhood or community by such grant. In making such determination the ZBA shall also consider:

- a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - c. Whether the requested area variance is substantial;
 - d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
 - f. The ZBA in the granting of area variances shall grant the minimum variance that is, shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (3) Conditions for Use and Area Variances - The ZBA shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Article VII. Planned Unit Development Zoning District

A. Purpose and Intent:

- (1) The Planned Unit Development (hereafter referred to as PUD) zoning district is a tool that allows for flexibility of development as long as such development is done in such a manner that it will support the Goals, Objectives and Strategies of the Town of Oswego Comprehensive Plan.
- (2) PUD district provides a means by which different land uses within an area covered by a single development plan may be combined to achieve compatibility among such uses. The PUD district provides flexibility in the regulation of land use development in order to: (1) encourage innovation in land use variety and design, in the layout and type of new structures and in the in keeping with existing structures; (2) enhance efficiency in the use of land, natural resource, energy, community services and utilities; (3) encourage open space preservation and protection of natural resources, historic sites and structures; (4) facilitate the provision of housing and improved residential environments; and (5) enhance the ability of municipalities to promote business and employment opportunities.
- (3) Minimum Acreage for a PUD development is a minimum of (ten) 10 acres for more than (four) 4 units.
- (4) The PUD District shall permit greater flexibility in location of structures on the land and promote conservation of open stance while utilizing topography and natural site features to the best advantage.
- (5) The PUD shall create development areas, which contain both individual building sites, in some

cases suitable for private ownership, and also provide for common areas.

- (6) Encourage a mix of uses as permitted by the zoning regulations, this should be done in a manner that is compatible with and separated from by means of buffers and architectural design.
- (7) Protects surrounding uses from encroaching upon the PUD.
- (8) In some instances, to accomplish a successful mixed-development strategy, it is necessary to expand the scope of land planning and development beyond a concept of homogeneous uses within formally defined districts and beyond a concept of individual lots with separate structures. This is only permitted by the Planning Board and in districts that embrace mixed use development, specifically R-3, R-4, R/T, Commercial and in Conservation and Agricultural districts to further promote conservation and agricultural activities with residential.

B. Development Standards for PUD District

- (1) It is the intention of the PUD District to reflect the allowed permitted and conditional uses as determined by the existing zoning district. Thus, non-permitted uses are not allowed because of the PUD designation.
- (2) The PUD designation lets the landowner be creative and flexible in the development of permitted development in a unified manner.
- (3) The PUD development shall not encroach on surrounding uses and protects resident uses, inhabitant, employees and adjacent properties from the harmful effects of its own land use operations, and encourages the maintenance of high environment quality throughout the PUD District.

C. Development Requirements for the PUD District

- (1) A preliminary Sketch Plan (See Article XVI-Definitions) must be presented to the Town of Oswego Planning Board. At this preliminary sketch plan conference, no approvals will be made. However the Planning Board and the Developer will be able to identify issues and concerns.
- (2) A Final Plan (See Article XVI-Definitions) must address the following items in a graphic manner. The Final Plan must be drawn by a professional, such as a planner, architect engineer or land surveyor. The Final Plan must be to scale and contain the following items:
 - a. Identify uses
 - b. Building placement
 - c. Residential density
 - d. Parking
 - e. Landscaping
 - f. Natural features such as wetlands, rivers, streams, slopes
 - g. Infrastructure
 - h. Interior circulation
 - i. Ingress and egress
 - j. Emergency access
 - k. Common or open space
- (3) The PUD application shall also contain a narrative, which demonstrates why a PUD is desirable,

specially referencing applicable Goals, Objectives and Strategies from the Town of Oswego Comprehensive Plan.

- (4) Project phasing can be allowed if a bond is secured by the developer. Project phasing is allowed if 50% (fifty percent) or the project is completed in phase one. A PUD may have up to three (3) phases. Project Phasing 15 (fifteen) must be approved by the planning board.

D. PUD Plan Approval

- (1) Time Frame - Plan approval will be valid for twenty-four (24) months. If substantial development fifty percent (50%) per first phase, if applicable, is not been achieved within this time period, the PUD approval will become null and void.
A one time extension of up to six months may be granted by the Planning Board. Applicant must provide evidence to why extension should be granted. An extension fee will be charged.
- (2) Also within the first phase the PUD shall be in compliance with the requirements of the State Environmental Quality Review Act (SEQRA).

E. Methods of Procedure

- (1) Upon the receipt of an application and preliminary plan for the establishment of a Planned Unit Development district, the Town of Oswego Planning Board shall review the application and preliminary plan in consultation with the Town Board;
- (2) Within ninety (90) days of receiving the application, and prior to acting on a zoning amendment to create a Planned Unit Development district, the Town of Oswego Planning Board shall hold at least one (1) public hearing on the proposed preliminary plan and amendment. Notice of the public hearing should be published in a newspaper of general circulation at least ten (10) calendar days in advance of the hearing. The proposed zoning amendment and preliminary plan should be made available for public review at the office of the Town Clerk.
- (3) A sign indicating the action applied for shall be placed on the property along the main road. The information for the sign will be supplied by the Town Clerk. Posting of this sign is the property owner's responsibility the sign shall be removed immediately after the hearing has been conducted.

F County Planning Board Referral

At least ten (10) days before the public hearing on the application and proposed amendment to the zoning law to create a planned unit development district, the Town of Oswego Planning Board shall mail notices thereof to the applicant and to the County Planning Board as required by section (two hundred thirty– nine) 239 -m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one (1) of section (two hundred thirty-nine) 239 –m of general municipal law.

G Decision

Within one hundred twenty days (120) of receiving the application and after holding public hearings the Town of Oswego Planning Board shall act to approve, approve with modifications and/or conditions, or deny the application, and if approved amend this local law to establish and map a PUD. Upon taking such action the Town of Oswego Planning Board shall advise the applicant in writing and the County

Planning Board, of its determination within five (5) business days after such action is taken, and place a copy of such letter on file in the Town Clerks office.

H. Filing Requirements

The Town of Oswego Planning Board’s determination on the final PUD plan shall be filed in the Town Clerk’s office within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

I. Effective Date

- (1) This approval shall take effect upon its filing in the office of the Secretary of State of the State of New York and the Clerk is hereby directed to file such local law immediately.

Article VIII. Off-Street Parking

A. Purpose and Intent

- (1) Off-street parking shall be provided to adequately assure the safe and convenient parking of vehicles out of the road right-of-way and in such manner as to afford safe pedestrian access to buildings without traversing a traveled right-of-way.

B. Off-Street Parking

- (1) The minimum number of off-street parking spaces provided shall be as follows:

Use	Minimum Off-Street Parking Spaces
Multi-family residential dwellings, townhouses and condominiums	2 for each dwelling unit plus 1 for each 5 dwelling units
Home occupation - Major	2 spaces for the residential use, plus 1 space per each 200 square feet of floor space of the home occupation
Place of worship, theater, athletic field or other place of assembly	1 for each 4 seats or pew spaces, or in auditorium, or in places without seats, 1 for each 100 square feet of floor space used for public assembly; 1 per 3 theater seats
Alternate care facilities, hospitals and nursing home facilities	1 per 1.5 beds for hospitals; 1 per 3 beds plus one space each estimated alternate care employee
Golf course, bowling alley	2 for each tee or alley
Centers of public amusement	1 per 200 square feet of floor space
Industrial areas and research	1 per 500 square feet of gross floor area.
Retail or service business, less than 25,000 square feet	1 for each 150 square feet of gross floor area
Retail uses or commercial center greater than 25,000 square feet	1 for each 250 square feet gross floor area
Restaurant	1 for each 2 seats
Professional Office	1 for each 300 square feet of gross floor area
Bank	1 for each 200 feet of gross floor area, plus 3 temporary waiting spaces for each drive up window
Hotel & Motel - Inn/bed & breakfast	1 for each guest sleeping room, plus 1 for each 1.5

	employees
Funeral home	1 space per 5 auditorium seats
Animal hospital or veterinary office	1 per 400 square feet of gross floor area
Gasoline filling stations and motor vehicle repair establishments	2 spaces per service bay
Parking Standard Commercial use	1 per 200 square feet of gross floor area

- (2) Where two (2) or more different uses occur on a single lot, the total amount of parking shall be the sum of the requirements for each individual use.
- (3) All required off-street parking spaces shall be used solely to park motor vehicles by residents, visitors, patrons or employees. There shall be no sale, repair, or storage of vehicles within off-street parking areas.
- (4) Reasonable and appropriate off-street parking requirements for structures and land uses that do not fall within the categories listed shall be determined in each case by the Planning Board.
- (5) Parking for handicapped persons shall be provided.
- (6) The Planning Board may require more or allow less parking in situations where the flexible application of these standards is appropriate.
- (7) Size of Parking Spaces - Each parking space shall be at least nine (9) feet wide and eighteen (18) feet long.
- (8) To the greatest extent possible, parking areas shall be located in such a way as to minimize visibility from roadways and adjacent properties. Landscaping shall minimize any negative visual effect.
- (9) Parking areas of six (6) cars or more shall have, blacktop, or other appropriate surface suitable for marking parking spaces.
- (10) The maximum finished grade for parking areas shall not exceed three (3%) percent.
- (11) All parking facilities shall be maintained throughout the duration of its use to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands.
- (12) Spacing between rows of ninety (90) degree angle spaces shall be twenty-four (24) feet.

C. Off-Street Loading Requirements

(1) Purpose and Intent

To ensure adequate and safe access of the delivery of goods.

- (2) Off-street loading and unloading facilities shall be provided for commercial or industrial uses of greater than six thousand (6,000) square feet as follows:
- a. For retail service, or office businesses of six thousand (6,000) square feet or more, a minimum of one (1) space for the first six thousand (6,000) square feet, plus one (1) space for each additional ten thousand (10,000) square feet of gross floor area.
 - b. For wholesale business, industry, storage, or warehouses where applicable, a minimum of one (1) space for each establishment, plus one (1) space for each additional eight thousand (8,000) square feet of gross floor area.
 - c. Each off-street loading space shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas.
 - d. Any loading dock facing a road front shall be sufficiently far back from the road to permit the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

Article IX. Mobile Home Park Development Requirements

A. Purpose and Intent

The purpose of this section is to ensure that mobile home parks are developed in a manner that is consistent with safe and sanitary housing development. In addition to the following requirements, all mobile home parks must adhere to the PUD zoning district requirements that can be found in Article VII – Planned Unit Development.

- (1) Mobile home parks and expansions shall be located where orderly development can be undertaken in harmony with development of the surrounding area in terms of traffic generation ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping, storm drainage and buffering.
- (2) Mobile home parks and expansions shall have generally level to generally level to gently rolling topography over an area of sufficient size to allow development in accordance with this law without significant alteration or disturbance of existing natural features such as stands of mature tree, stream courses, shorelines, wetlands or bedrock outcroppings.
- (3) Mobile home parks and expansions shall be essentially free from adverse, unsafe or unhealthful conditions, including, but not limited to, flooding, ponding, poor drainage, erosion, slumping or other soil instability.

- (4) Mobile home parks and expansions if associated with a campground must be separated from said campground by a minimum of 250 feet.

B. Mobile Home Site Development

- (1) In addition to approval of a PUD, each mobile home park must comply with the following site specific requirements:
 - a. A mobile home park is considered to be any grouping of three (3) or more mobile homes on one (1) piece of property and must be registered with the New York State Division of Housing and Community Renewal.
 - b. Mobile home parks and expansions shall be divided (exclusive of internal roads, open space or common areas) and marked off into sites numbered consecutively, the number begins conspicuously posted on each site, with such number to correspond to the site plan submitted as part of the PUD process.
 - c. Sites shall have a minimum width of seventy-five (75) feet
 - d. Sites shall have a minimum depth of one hundred-fifty (150) feet from the center of the road

C. All mobile homes, including expansions, extensions or other addition thereto, patios, porches, storage sheds or garages, and accessory structures shall satisfy the following set back requirements.

- (1) Minimum of one hundred-fifty (150) feet from the road line of any public road;
- (2) Minimum of thirty (30) feet from the centerline of any internal road;
- (3) Minimum of forty (40) feet between adjacent mobile homes and any other structures in the mobile home park;
- (4) Minimum of twenty (20) feet from rear site lines, and;
- (5) Minimum of five (5) feet from side site lines;
- (6) No internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within fifty (50) feet of a property line in common with adjoining property, external to the mobile home park and abutting a public road.
- (7) There shall be no more than one (1) mobile home per site;
- (8) All mobile home parks shall be developed in accordance with Federal and New York State Fair Housing Laws.

Article X. Signs

This section sets forth any permit requirements, including application procedures, information to be submitted, duration of permit and fees (these requirements are in addition to any requirements regulated by a state agency).

A. Exceptions

The following two operations shall not be considered as creating a new sign and, therefore, shall not require a sign permit:

- (1) Replacing copy: The changing of the advertising or message on an approved sign which is specifically designed for the use of a replaceable copy.
- (2) Maintenance: Painting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made of there is a change in the message.

B. Application form and process

Application for a sign permit shall be made on a form provided by the Town which shall include the following:

- (1) Name, address and telephone number of the applicant.
- (2) Name address, telephone number and insurance coverage of the sign maker if the sign costs more than \$5,000.
- (3) The location of the building upon which the sign is to erected.
- (4) A color photo of the building upon which the sign is to be erected.
- (5) Size of the sign.
- (6) A description of the construction details of the sign, showing the lettering and/or pictorial matter composing the sign and a description of the position of lighting or other extraneous devices.
- (7) Sketches drawn to scale and supporting information indicating location of sign colors, size and types of lettering or other graphic representation, logos and material to be used, electrical or other mechanical equipment, details of its attachment and hanging. Samples of materials should accompany the application if requested.
- (8) The written consent of the owner of the property upon which such sign or signs is or is to be erected and maintained. In addition, such sign application shall be accompanied by a fee.
- (9) Such other pertinent information as the Town CEO may require to ensure compliance with this section.

C. Submission Procedures

If appropriate, following formal submission to the Town CEO, said Officer may refer all applications for signs to the Town of Oswego Planning Board within three (3) business days for advice on matters of consistency with the design guidelines and requirements outlined herein. The Town of Oswego Planning Board shall render an opinion to approve, disapprove or approve with conditions to the Town CEO with thirty (30) days of the receipt of the application.

The CEO shall issue a permit for a sign within seven (7) calendar days of the receipt of a complete and satisfactory application from the Planning Board.

Appeal from permit denial: Any applicant feeling aggrieved by the decision of the CEO, upon any application

for a permit for any sign, may appeal to the ZBA.

Issuance of sign construction permits: Upon approval of the application by the CEO or the ZBA, or after any conditions for approval established by the Planning Board are satisfied, the CEO shall issue a permit for construction of such sign.

D. Specific Provisions

(1) Prohibited Signs

- a. Billboard
- b. Animated signs
- c. Vehicles used to display signs. (Not typical commercial vehicle markings)
- d. Mobile sign
- e. Signs permanently painted, posted or otherwise attached to any rock fence or utility pole

(2) Temporary Signs:

- a. Signs that are displayed longer than six (6) weeks and less than shall require a permit and be in keeping with other temporary sign.
- b. Signs that are displayed no longer than six (6) weeks before the event and must be removed one (1) week after the event is over. Temporary signs should not be larger than 4' x 6' and only one (1) sign per premises. Except as noted below.
 1. Flags, streamers and balloons
 2. Political signs (No more than 5 signs)
 3. Real estate signs (off site/directional signs related to an open house signs)

(3) Existing Signs

Signs that are in existence at the time of adoption of this local law will be exempt from this section. However, if the sign is to be replaced or is damaged more than 50%, the new sign must comply with regulations of this article.

E. Construction and Design Standards

This section sets out standards for the construction of signs, identifying in detail the specifications to ensure that signs are constructed so as to protect the health, safety and welfare for the general public. Under the New York State Uniform Fire Prevention and Building Code, certain signs are considered structures and must comply with electrical standards and anchoring and wind load specifications.

(1) Computation of sign area

- a. The area of a sign shall be computed from the algebraic sum of the actual sign configuration, be it a square, rectangle, circle, oval or other polygon shape. The area shall be measured from the outer dimensions of the frame, trim or molding by which the sign is enclosed, where they exist, or from the outer edge of the signboard where they do not exist.

- b. When a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all the letters, letters symbols and characters. Otherwise, all faces of the sign will be used to compute the sign area.
- c. The volume of a representational sign shall be computed as the volume of the smallest rectangular box which encompasses the mass of the three dimensional sign or characterization.

(2) Standards for wall signs

- a. All wall signs shall be located on the building front or face wall, except as permitted by this section.
- b. No wall sign shall extend beyond the outer edge of any wall of the building to which it is attached.
- c. No wall sign shall extend above the eaves of the building to which it is attached.
- d. No wall sign shall extend above the floor or level of the floor of a second story of a building upon which such sign is attached.
- e. A wall sign shall be parallel to the wall to which it is attached and shall not project more than 12 inches there from.
- f. No wall sign shall contain letters, numbers or other cryptic symbols which exceed 12 inches in height or width.

(3) Illumination.

This section provides guidance concerning brightness, direction, color and glare of sign lighting in order to be consistent with protecting the safety and welfare of the public.

- a. All sources of illumination shall be shielded or directed in such a manner that the direct rays there from are not cast upon any property other than the lot on which such illumination is situated.
- b. Illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or intensity.
- c. Signs shall be illuminated indirectly or internally with: light of any color, however it can not be a strobe light. Exposed neon tubing ad sign, containing words or symbols shaped or formed directly from neon tubes or similar illuminating devices, shall not be permitted. Neon and other gas-type illumination shall be permitted within an internally lighted sign, provided that such lighting is transmitted through the letters or symbols of the sign, and further provided that such letters or symbols are designed for and integrated into the face of the sign prior to erection and are not glued, pinned or otherwise affixed to the face of the sign. Internal lighting which shows through translucent area of the face of a sign not containing words or symbols will not be permitted.

- d. No illumination shall be located as to be confused with traffic control signals, either by color or proximity.
- (4) Sign Maintenance.
- a. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and serially liable to maintain such sign, including its illumination sources, in a neat and orderly condition and good working order at all times and to prevent the development of rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
 - b. Unsafe signs or unsightly, damaged or deterioration signs or signs in danger of falling shall be put in order or removed upon written notice for the town. These signs should be addressed or removed immediately by the owner. If the property owner does not take appropriate action, the Town can have the sign removed and assess the property owner for the cost of removal.

Article XI. Supplemental Regulations

A. Purpose and Intent.

The intention of this section is to identify those activities that are not identified specifically in a section of the Town of Oswego Zoning Law.

- 1. Prohibited Activities.
 - a. Dumping. Dumping of refuse, garbage, waste materials, manure or other substance is prohibited in all zoning districts. (Compost/Mulch piles are excluded; as is the spreading of mulch/manure/or other organic materials voluntarily brought to a property or generated on a property to be used thereon).
 - b. Discarded materials. The use of any premises in any zoning district for the keeping, collection, sale or abandonment of waste paper, rags, scrap materials, discarded materials or for the storage, keeping, abandonment, dismantling or demolition of automobiles more than three in number and not bearing a current license plate or a license plate of the preceding year or other vehicles or machinery or parts thereof for a period longer than fourteen (14) consecutive days is prohibited unless a special permit is issued by the Planning Board.
 - c. Speaker systems. Speaker systems, public address systems or other sources of the production or reproduction of voice, music or other types of sound, whether for advertising, entertainment or other purpose, are hereby prohibited upon any public highway, except such vehicles as are authorized by the laws of the State of New York to be equipped with sirens.
- 2. Condominiums.

All condominiums are expressly made subject to the provision of Article 9-B of the Real Property Law of the State of New York as presently written and as hereafter amended. For such purposes, said article of the Real Property Law is incorporated by reference into this local law at this point with the same force and effect as if the same were set forth at length. Before any transfer occurs of any condominium

as defined in said law, copies of all documents filed with the State of New York or any of its subdivisions, departments or bureaus as required by Article 9-B of the Real Property Law of the State of New York as presently written or as hereafter amended are to be filed with the Town Clerk of the Town of Oswego.

3. Water Supply and Sewage Disposal.

- a. Potable water. All residential structures hereafter constructed or altered must be supplied with potable water for the use of the occupants thereof by connecting to a water system maintained by a governmental agency or from a well located upon the lot on which such structures are erected or altered conforming to this local law, and those of the County health Department to effectuate the purposes of this section.
- b. Sewage. The drainage of all sewage from the residence hereafter erected or altered must be conducted in piping of sufficient capacity to sewers maintained by a governmental agency in the street or highway adjacent to the lot upon which such structures are erected or altered. In the absence of a public sewer system to which sewage may be drained, other than a standard system must be approved by the Oswego County Health Department and dry sewers shall be installed on the lot, conforming to this local law and the rules and regulations established by the Town Board to effectuate the purpose of this section.

4. Accessory Uses and Structures.

The following accessory uses and structures are permitted on the premises of single- and two-family dwellings, but only in connection with and incidental to a permitted principal use and in compliance with the restrictions of this section.

5. Permitted Accessory Uses.

Permitted accessory uses and structures shall be limited to the following, and any additional use or structure which the CEO finds is similar to those listed in scope, size and impact, is customarily associated with residential dwellings and is otherwise in compliance with this local law. It should be noted that not all accessory uses listed hereafter are permitted in all zoning districts – thus it is necessary to refer to the zoning district classification as well as this local law.

- a. Above ground deck.
- b. Exterior Wood Burner heating unit building (must be in compliance with the uniform building and fire prevention code.) (Not allowed in all districts.)
- c. Fence.
- d. Freestanding air-conditioning machinery.
- e. Gazebo or tree house.
- f. Keeping of livestock.
- g. Private greenhouses
- h. Private swimming pool
- i. Private tennis or outdoor recreational court, provided that back and side backstops shall not exceed twelve (12') feet.
- j. Sale of produce
- k. Storage structure.

6. Prohibited Accessory Uses.

Prohibited accessory uses include, but are not limited to: outdoor storage.

7. Use Limitations.

The following limitations apply to accessory uses and structures:

- a. The size of a roofed or enclosed accessory structure shall not exceed one hundred eighty (180) square feet in area.
- b. The height of an accessory structure shall not exceed twenty (20) feet as measured from the average grade at the front of the accessory structure to the highest point of the structure.
- c. No accessory use or structure shall be located forward of the rear wall of the main structure on the lot on which the accessory structure is located; flagpoles are exempt from this restriction.
- d. Accessory structures shall be included in the calculations required by this local law for the purpose of complying with height and coverage regulations.
- e. An accessory use or structure shall be located on the same lot as the principal structure or use served.
- f. The side and rear setbacks for accessory structures shall be those required for dwellings in the applicable zoning district.

8. Outdoor Storage.

No materials of any kind shall be stored outdoors in any zoning district except those used in the construction or alteration of a structure upon the lot or lots where such material is stored. Such material shall not be stored in a period in excess of one year. This section shall not apply to the storage of firewood for personal use, or for any storage of any products grown upon the premises, nurseries, nor to machinery, equipment and supplies essential to the operation of a farm.

9. Keeping of Livestock and Farm Animals.

Stables for the keeping of products and livestock.

- a. Setback. Any structure or building erected for the stabling or keeping of livestock shall be set back at least ten (10) feet from the boundary lines of the premises. All fencing must meet the minimum rear, side, front yard set backs.
- b. Fencing. There shall be erected and maintained a fence around any paddock area, pasture area or any other area outside of the stable where livestock is allowed. Such fence shall be a minimum of four feet high, except an electrical fence which need be only three (3) feet in height supported by wooden, steel, or fiberglass posts at intervals of not more than ten (10) feet. Such fence shall be of sufficient strength and may be either a three- or four-board wooden rail fence or a wire fence or a combination thereof or a one strand electrical fence and shall be strongly secured to each post. Any opening in said fence shall have a gate of sufficient strength.

- c. The barns, stalls, paddocks and any other grounds in the Town where livestock are kept shall be maintained in a clean and sanitary condition and waste product should be removed on a regular basis so as not to create any condition or odor which would be objectionable to persons occupying adjoining property.

10. Parking of Commercial Vehicles in Residential Districts.

- a. Purpose. It is the purpose of this section to regulate the parking of motor vehicles in all districts zoned for residential use in the Town, so as to reduce hazardous traffic conditions, protect those districts from polluted air, excessive noise and trash and refuse, protect the residents thereof from unreasonable burdens in gaining access to their residences, preserve the character of those districts as residential, protect the public highway from excessive wear and tear, promote efficiency in the maintenance of those streets, preserve the value of property in residential districts, protect the safety of pedestrians and for the purposes of traffic safety and/or for the purpose of maintaining the general health and welfare of the residents of those districts.
- b. Prohibited parking. It shall be unlawful for any person to park any semi tractor, semi trailer, tow truck, any vehicle over ten thousand five hundred (10,500) pounds gross vehicle weight, as indicated on its manufacturer's rating label or any school bus on any public highway or other public lands in a residential district or on any private property in a Residential District, specifically R-1, R-2. Recreational vehicles are exempt from these restrictions.
- c. Exceptions. The foregoing provisions shall not apply to construction vehicles and equipment while actually and necessarily they employed in construction or other real property improvements projects, nor to commercial vehicles in the normal course of pick up and delivery or if directly related to the occupants livelihood.

11. Swimming Pools.

Refer to NYS Law AG 103, Swimming Pools, AG 104 Hot Tubs and AG 105 Barrier Requirements

12. Supplemental Setback Restrictions.

- a. Every structure hereinafter erected or altered shall comply with the setback restrictions of the district in which it is located, except when the following regulations apply:
- b. Upon corner lots, the setback from the lot line abutting on each street shall be the front setback required on that street or highway.
- c. The location of a driveway is subject to side and rear yard requirements for the district.

13. Fences and Hedges.

- a. No fence more than six (6) feet in height shall be erected and no hedge more than four (4) feet in height shall be maintained or planted in front of the front setback line as herein provided.

- b. No fence shall exceed six (6) feet in height. (Except for paddocks.)
 - c. All fences shall be constructed so that the finished side faces outward from the premises with the backers and/or supports facing inward toward the property owner's side of the premises.
 - d. The provisions of this section shall not apply to hedges or fences on premises used exclusively for farm purposes.
14. Commercial Activities that sell gasoline to the public
- a. If a convenience store or automotive repair station also is providing gasoline for sale the space at the gasoline pump is not considered a parking space for the other use.
 - b. If the only use is the selling of gasoline, then the additional parking required is based on the maximum number of employees working at one time, plus a minimum of one space in addition to the parking available at the pump.
15. Yard Sale
- a. An occasional or periodic sales activity conducted at the residence of the seller.
 - b. The sale should not last for more than three (3) consecutive days and should not take place more than four (4) times in one calendar year.
16. Excavations for Soil Mining
- a. Excavation of more than 750 cubic yards or 1,000 ton are removed within a 12 month period for the purpose of soil mining for commercial purposes, such as gravel pits, quarrying or any subsoil removal shall be allowed only by Special Permit in AG and I districts and subject to the following provisions.
 - b. Before a Special Permit is issued, the applicant shall submit to the Planning Board the following:
 - c. A map at a scale of one (1) inch equals no more than one hundred (100) feet showing all land within two hundred (200) feet of the property boundary.
 - d. A site plan that meets the requirements in Article IV. Site Plan Review of this local law.
 - e. An elevation map of the property, showing the proposed finished elevation at one (1) foot contour intervals and the proposed drainage plan.
 - f. During excavation or quarry operation – top and/or toe of slope shall not be closer than forty (40) feet to a property line.
 - g. The proposed finished grading plan shall show the land to be smooth-graded and top soil respread to a minimum depth of four (4) inches; slope shall not exceed normal angle of repose of the material removed
 - h. The applicant shall be required to furnish a performance bond, in an amount determined

by the Planning Board to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released only upon certification by the CEO that all requirements including the finished grading a drainage have been complied with.

- i. No Special Permit for excavation operations or soil mining shall be granted for a period of more than five (5) years.
- j. All excavation activities must comply with all other applicable New York State laws.

Article XII. Specific Use Regulations

A. Accessory Buildings and Uses

- A. Accessory buildings not attached to principal buildings shall be located no closer to the principal building than twelve (12) feet or a distance equal to the height of each accessory building, whichever is greater.
- B. In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, may not be located in the front yard of such lot and shall be a distance not less than ten (10) feet from any lot and shall not adversely affect the character of any residential neighborhood by reason of noise, glare or safety.

B. Activity Standards

- A. In any district, the following standards for activities shall apply:
 - (1) No offensive or objectionable vibration, odor or glare shall be noticeable at or beyond the property line.
 - (2) No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause to persons or property in the same or adjacent district.
 - (3) There shall be no discharge of any liquid or solid waste into any stream or body of water or any public or private disposal system or into the ground of materials of a nature that may contaminate any water supply, including groundwater supply.
 - (4) There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin or endangers health in any way.

C. Campgrounds.

In addition to all Oswego County Health Department requirements for campgrounds or "Travel Trailer Camps" hereinafter referred to as "Campgrounds", campgrounds shall be subject to the following additional requirements.

- A. Site:
 - (1) The campground shall be located in an area where grades and soil conditions are suitable for use as camp sites based upon the type of camping units (i.e. motor homes, trailers etc).

- (2) The campground shall be located on a well-drained site which is properly graded to insure adequate drainage and be free at all times of stagnant pools of water.
- (3) The campground shall be at least five (5) acres in size, with five hundred (500') feet frontage on a public road.

B. Campsites / Lots:

- (1) Each campsite shall be marked off into trailer lots and/or campsites hereinafter referred to as "lots".
- (2) The total number of lots shall not exceed ten (10) per gross acre.

C. Travel trailers, campers or mobile camping units.

Travel trailers, campers or mobile camping units are hereinafter referred to as campers.

- (1) No camper shall be parked or otherwise located nearer than a distance of:
 - a. Thirty (30) feet from all property lines.
 - b. Fifty (50) feet from the right of way line of any public street or highway.
 - c. Ten (10) feet from the nearest edge of any street within the campground.

D. Adult Uses

- A. Purpose and Intent: To regulate adult uses in such a manner that is acceptable to all residents or the Town of Oswego, specifically insuring that adult activities are located in areas away from minors. This is done to promote the health, welfare and safety for all residents. Special regulations applicable to adult bookstores and adult entertainment establishments are as follows:

- (1) Definitions. As used in this article, the following terms shall have the meanings indicated:

ADULT BOOKSTORE – A business enterprise which as a substantial portion of its stock-in-trade printed, visual or audio material of any kind or other novelties which are characterized by their emphasis on specified anatomical areas or specified sexual activities, including any such establishment having a substantial area devoted to the sale and display of such material. For purposes of this definition, "substantial portion" or "substantial area" shall be twenty-five (25) percent or more of any of the following:

- a. The number of different titles or kinds of such merchandise;
- b. The number of copies or pieces of such merchandise;
- c. The amount of floor space devoted to the sale and display of such merchandise; or
- d. The amount of advertising, which is devoted to such merchandise either in print or otherwise promoted via the broadcast media.

ADULT ENTERTAINMENT ESTABLISHMENT – Any business enterprise which is other than an adult bookstore and which has presentations characterized by emphasis on the description or depiction of specified anatomical areas or specified sexual activities during live shows, motion-picture films, videotapes or sound recordings presented to an audience of one or more individuals. Also included in this definition is any business enterprise, other than a bona fide medical or health service establishment, requiring a client or customer to display any specified anatomical area.

SPECIFIED ANATOMICAL AREAS – Includes

- e. Unless completely and opaquely covered, human genitals, pubic regions, buttocks or female breasts below a point immediately above the top of the areola.
- f. Even if completely and opaquely covered, male genitals in a discernible turgid state.

SPECIFIED SEXUAL ACTIVITIES – Any touching of the genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether clothed or unclothed, alone or between members of the same or opposite sex, or between humans or animals, in an act of apparent sexual stimulation or gratification.

(2) Restrictions.

- a. The property line of a parcel where said adult uses are located shall not be within five hundred (500) feet of any residential zoning district, measured as a straight line between the nearest points on the property lines.
- b. The property line of a parcel where said adult uses are located shall not be within five hundred (500) feet of the municipal boundary of the Town, measured as a straight line between the nearest points on the property lines.
- c. The property line of a parcel shall be one thousand (1000) feet from any home residence, even if the residence is a nonconforming use located in a nonresidential district.
- d. The property line of a parcel where said adult uses are located shall not be within one thousand (1000) feet of the property lines of an operational school, church or other place of religious worship, day-care center, park or playground or other lot containing another such use, measured as a straight line between the nearest points on the property lines.
- e. All adult bookstores and adult entertainment establishments shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by these provisions shall be able to visually see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.
- f. No audio or video transmission of these adult uses, either by broadcast, telephone, satellite, microwave or other electronic transmission, to off-site locations shall be permitted.

E. Junkyard

A. Purpose and Intent

It is the intent of this section to ensure that junkyards are regulated for safety and aesthetic reasons.

B. Junkyard License

- (1) No person shall operate a junkyard within the Town of Oswego unless a license to operate has first been issued pursuant to this law. Such license shall be applied for coincident with an application for a special use permit, and shall be granted coincident to the final approval of a special use permit.
- (2) The Town shall issue annually all licenses, after which time renewal on annual basis shall be required. All licenses shall expire on April 1 on an annual basis. The license shall be displayed conspicuously at all times on the premises of the junkyard.
- (3) Prior to license renewal, all junkyards shall be inspected by the CEO. Such license shall not be renewed until certified by the CEO as operating in compliance with this law. The CEO shall not enter the premises of any private property without notification to the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to license issuance or renewal. Refusal to allow the CEO to enter the premises for the purpose of inspection shall be cause for the denial of a pending license application, or if a license has been issued, for the revocation of such license by the Town Board.

C. License Revocation or Failure to Renew

- (1) The Town Board may revoke such license upon reasonable cause should the applicant fail to comply with any provision of this law. Before the license may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in the official newspaper at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least seven days prior to the hearing. At the hearing the Town Board shall hear the license holder and all other persons wishing to be heard on the revocation of the license. Should the Town Board decide to revoke a license, the reasons for such revocation shall be stated in the Town Board minutes. The license holder shall be immediately notified of the revocation by certified mail. Should any junkyard license be revoked or fail to be renewed, the operator shall cease and desist from operating a junkyard. All junk shall be removed from the premises within sixty (60) days. If after sixty (60) days the junk is not removed, the Town reserves the right to have the junk removed and disposed of and all costs of such removal and disposal shall be borne by the landowner.

D. Junkyard Location

- (1) No junkyard shall be located within:
 - a. Fifty (50) feet of any adjoining lot line;
 - b. One hundred (100) feet of any public park, church, educational facility, nursing home, public building or other place of public gathering or private residence;
 - c. One hundred-fifty (150) feet of any lake, stream, pond, wetland, or other body of water;
 - d. Fifty (50) feet of any public road line.
- (2) In reviewing, granting or denying special permits, the Planning Board shall take the following aesthetic and location factors into consideration:
 - a. The type of road serving the use or from which the use can be seen;

- b. Natural or artificial barriers protecting the use from view;
- c. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering;
- d. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors, smoke or of either causes;
- e. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies;
- f. The proximity of established residential or recreational areas;
- g. Local drainage patterns;
- h. Long-range comprehensive plans for the town;

E. Junkyard Fencing and Screening

- (1) All junk storage areas shall be enclosed within an eight (8) foot high fence, minimum, constructed of wood or other materials as approved by the Planning Board. Such fence shall be adequate to prohibit children and others from entering the area of the activity of business and to fully enclose and totally screen all materials stored on-site.
- (2) The Planning Board may reduce fencing requirements where the junkyard is not visible from a public highway or from neighboring properties, and where the topography, natural growth of timber or other considerations accomplish the purposes and objectives of this law in whole or in part.

F. Junkyard Operations

- (1) A junkyard licensee shall personally own the land or be personally responsible for the operation of the junkyard.
- (2) No materials shall be burned or buried in a junkyard except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR Part 215) or the New York State Solid Waste Disposal Law (see 6 NYCRR Part 360).
- (3) All the materials dealt with by the operator of the junkyard and all junkyard operations shall be kept within the fenced area of the junkyard at all times. Whenever the junkyard is not open for business, or temporarily not supervised, the fenced area, and any gate thereto, shall be secured or locked to prevent entry.
- (4) No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard license and special use permit approved by the Planning Board pursuant to this law.
- (5) The licensee shall assure the proper and safe conduct of junkyard operations to minimize the fire hazard there from and to prevent trespass thereon.

- (6) The CEO and Town Board, or any of its representatives, shall be granted access to the junkyard during normal hours of operation to inspect the same for compliance herewith.

F. Landscaping

A. Purpose and Intent

- (1) All portions of properties that are not intended for development shall remain in their natural state or be suitably landscaped with planting of grass, ground cover, trees and shrubbery. Landscaping shall minimize erosion and storm water runoff, provide necessary buffering and generally seek to blend the proposed use with the character of the town.
- (2) The following landscaping standards shall be met:
 - a. Landscaping shall be appropriate to the project and the natural vegetation cover shall be maintained where possible. To the extent that alterations in the site plan may be required, Landscape Plan shall include plant selection suitable for the specific site. Native species of plants shall be included in the plan whenever possible.
 - b. Healthy trees with diameters of twelve (12) inches or greater measured at approximately five (5) feet from the grade level shall be marked on the plan and preserved to the extent possible.
 - c. Pedestrian pathways shall be covered with crushed stone, bark, gravel, brick, stone, or paved as appropriate, to allow drainage and prevent erosion.
 - d. Construction practice and planting specifications should follow ANSI American Standards for Nursery Stock.
 - e. Whenever possible, natural vegetation shall be maintained by appropriate construction practices and site layout.
 - f. All planting shown on an approved landscape or site landscape or development plan shall be maintained throughout the duration of the use, and plants not so maintained shall be replaced in accordance with the plan's specifications.

B. Screening/Buffering

- (1) A landscaped area may be required to screen and protect neighboring residential properties and passing motorists from the view of facilities, buildings, and parking areas of the site development, as warranted. Landscaped areas are subject to the following:
 - a. A minimum permanent vegetated buffer of a width of ten (10) feet shall separate non-residential uses from adjacent residential properties, or from the street. The property line buffer shall be provided between Industrial and all other land uses sufficient to visually screen the proposed development.
 - b. When industrial is located adjacent to a residential use, a minimum ten (10) foot wide, landscaped buffer shall be provided along the common road frontage and designed so as not to obstruct sight distance at road access points.
 - c. Plantings shall be indicated on the site plan and shall meet the following standards:

1. Plant materials shall be a minimum of four (4) feet in height when planted and shall be spaced to form a continuous, solid screen at maturity. Generally, plants/trees shall be spaced apart at distances no greater than ten (10) feet on center.
2. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Planning Board may be substituted for the required planting.

C. Modifications.

Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

- (1) Landscaping and screening shall conform to the following minimum standards:
 - a. Use of existing vegetation to the greatest extent possible.
 - b. Units shall be sited for maximum preservation of mature trees (trees of 12"D.B.H. or greater).
 - c. Clear cutting of the site area is prohibited.

G. Cellular and Telecommunication Tower

A. Purpose and intent of this section is to set minimum standards for Cellular and Communication Towers to preserve the visual and aesthetic integrity of the Town of Oswego.

- (1) Minimum standards for Cellular and Communication Towers.
 - a. Monopole design shall be used whenever possible.
 - b. Flat paint in light gray shall be used and/or green below the tree line.
 - c. Setback from any residential or school property line shall be at least equal to or greater than the height of the tower.
 - d. The tower shall be made available for multi-use.
 - e. Abandoned towers shall be removed.
 - f. No lighting shall be located on the tower except that necessary to meet Federal Aviation Administration (FAA) requirements.
 - g. Signage shall be limited to small informational signs at the base of the tower.
 - h. A maximum height of one hundred ninety-nine (199) feet to avoid need for bright flashing lights to comply with Federal Aviation Administration (FAA) regulations.
 - i. Performance Bond shall be required before the issuance of a permit. The bonding shall be an amount equal to the cost plus 10% of the installation and construction of the tower.

H. Erosion Control

A. Purpose and Intent:

In order to protect, maintain and enhance both the natural environment including groundwater and surface water in conjunction with the safety and general welfare of the citizens of the Town of Oswego embrace the following objectives:

- a. To control storm water, erosion and sedimentation so as to prevent its deposition in streams and other receiving water bodies; including culverts, drainage systems and public lands;
- b. Maintain the integrity of local drainage systems, so as to sustain their hydrologic functions;
- c. Prevent increases in the magnitude and frequency of storm water runoff so as to prevent localized flooding and costs associated with flooding;
- d. Facilitate the removal of pollutants in storm water runoff so as to perpetuate the natural functions of streams, receiving waters and to protect groundwater supplies;
- e. To the extent practical, secure multiple community benefits such as groundwater protection and replenishment, open space protection and increased recreational opportunity through integrated land use-storm water management planning.

B. Authority.

In accordance with Article 10 of the Municipal Home Rule Law, Article 9 of the Town Law of the State of New York, the Town of Oswego has the authority to enact provisions for the purpose of promoting the health, safety or general welfare of town.

C. Jurisdiction.

All site preparation and construction activities requiring approval under this Local law shall be in conformance with the provisions set forth herein.

D. Definitions.

Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this Local law it's most effective application. Words used in the singular shall include the plural and the plural the singular; words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

Adverse Impact: Means any deleterious effect on receiving waters, including their quality, quantity, surface area, aesthetics or usefulness for human or natural uses. Such deleterious effect is or may potentially be harmful or injurious to human health, welfare, safety or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Applicant: Means any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

Clear: Means any activity which removes the vegetative ground cover.

Development: To make a site or area available for use by physical alteration. Development includes but is not limited to providing access to a site, clearing of vegetation, grading, earth moving, providing utilities and other services such as parking facilities, storm water management and erosion control systems, and sewage disposal systems, altering landforms, or construction of a structure on the land.

Drainage Area: Means that area contributing runoff to a single point, and/or it's watershed.

Erosion: The removal of soil particles by the action of water, wind, ice or other geological factors.

Erosion and Sediment Control: Means a system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

Erosion and Sediment Control Plan: Means an erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of the Town of Oswego Planning Board.

First Flush: The delivery of a large load of pollutants during the early part of storms due to rapid runoff of accumulated pollutants. The first flush in these guidelines is defined as the runoff generated from a one (1) year twenty-four (24) hour storm event from land which has been made more impervious from pre-development conditions through land grading and construction/ development activities.

Flood Plain: For a given flood event, that area of land temporarily covered by water which adjoins a watercourse.

Impervious Area: Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soil.

Peak Flow: The maximum rate of flow of water at a given point and time resulting from a storm event.

Retention: A practice designed to store storm water runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool.

Riprap: A combination of large stone, cobbles and boulders used to line channels, stabilize stream banks and reduce runoff velocities.

Stream Corridor: The landscape features on both sides of a stream, including soils, slope, and vegetation, whose alteration can directly impact the streams physical characteristics and biological properties.

Watershed: Means the total drainage area contributing runoff to a single point.

E. Applicability.

- (1) It has been established that land clearing, land grading, earth moving or development activities can have a significant effect on the environment, therefore, no person, corporation, organization, or public agency shall, on or after the effective date of the local law:
 - a. Initiate any land clearing, land grading, earth moving or development activities in excess of one (1) acre without first preparing a storm water management and erosion control

plan and request assistance from the Town of Oswego and/or the Oswego County Soil & Water Conservation District (if requested by the Town);

(2) Exemptions.

The following activities are exempt from the Storm water Management and Erosion Control Plan requirements:

- a. Land disturbance on less than (1) one acre;
- b. Agricultural activities, including household gardening;
- c. Any maintenance, alteration, use or improvement to an existing structure which will not change the quality, rate, volume or location of surface water discharge or contribute to erosion and sedimentation.

F. Contents of the Erosion and Sediment Control Plan.

The applicant is responsible for submitting an Erosion and Sediment Control Plan so that the Town can evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan.

Applicants shall submit the following information:

- (1) A letter of transmittal;
- (2) A location map indicating north arrow, scale and other information necessary to easily locate the property;
- (3) A plan at an appropriate scale indicating at least:
 - a. Name, address and telephone number of:
 1. The owner of the property where the grading is proposed;
 2. The developer;
 3. The applicant.
 - b. The existing and proposed topography;
 - c. Location of the nearest existing streams, rivers, natural drainage systems and any public wells;
 - d. The proposed grading and earth disturbance including:
 1. Surface area involved;
 2. Volume of soil material;
 3. Volume of borrow material, and
 4. Limits of grading including limitation of mass clearing and grading whenever possible.

5. Storm drainage provisions, based on a ten (10) year storm frequency:
 - a. Site conditions around points of all surface water discharge from the site;
6. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:
 - a. Provisions to preserve topsoil and limit disturbance;
 - b. Provisions to protect nearby surface waters;
 - c. Details of grading practices;
 - d. Design details for structural controls; and
 - e. Details of temporary and permanent stabilization measures.
 - f. A statement placed on the plan indicating that the developer shall request that the inspection agency approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and this local law.
 1. On all sites with disturbed areas in excess of two (2) acres, approval of the inspection agency shall be requested upon completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading; other building or grading inspection approvals may not be authorized until this initial approval by the inspection agency is made; and
 2. Approval shall be requested upon final stabilization of all sites with disturbed areas in excess of two (2) acres before removal of controls.

Approvals:

Stormwater Erosion & Sediment Control Plans may be approved by the CEO.

Alternate Approvals:

The Town may at its discretion request that the plan be approved by the Oswego County Soil & Water Conservation District.

G. Inspection.

(1) Inspection Frequency and Reports

- a. The permit tee shall maintain a copy of the approved erosion and sediment control plan on site.
- b. Every active site having an erosion and sediment control plan should be inspected for compliance with the plan.

- c. Inspectors (CEO) shall prepare written reports after every inspection. The inspection report shall describe:
 - 1. The date and location of the site inspection;
 - 2. Whether or not the approved plan has been properly implemented and maintained;
 - 3. Any practice or erosion and sediment control plan deficiencies; and
 - 4. If a violation exists, the type of enforcement action taken.
 - 5. The inspection agency shall notify the on-site personnel or the owner/developer in writing when violations are being observed, describing:
 - a. The nature of the violation;
 - b. The required corrective action; and
 - c. The time period in which to have the violation corrected.

(2.) Right of Entry.

It shall be a condition of every grading or building permit that the inspection agency has the right to enter property periodically to inspect for compliance with this local law.

(3.) Modification to Erosion and Sediment Control Plans:

When inspection of the site indicates the approved erosion and sediment control plan needs modification, the modification shall be made in compliance with the erosion and sediment control criteria contained in the Standards and Specifications as follows:

- a. The permit tee shall submit requests for major modifications to approved erosion and sediment control plans, such as the addition or deletion of a sediment basin, to the plan approval agency to be processed appropriately. This processing includes modifications due to plan inadequacies at controlling erosion and sediment as revealed through inspection; and
- b. The inspector may approve minor modifications to approved erosion and sediment control plans in the field if documented on a field inspection report. The plan approval agency shall, in conjunction with the inspection agency, develop a list of allowable field modifications for use by the inspector.

(4.) Complaints:

The inspection agency shall receive complaints and initiate enforcement procedures when violations are confirmed. Any complaint received shall be acted upon, routinely within three (3) working days and the complainant shall be notified of any action or proposed action routinely within seven (7) working days of receipt of the complaint.

(5.) Administration:

This law shall be administered and enforced by the CEO who is authorized to issue appearance tickets

for violators of this local law.

H. Enforcement.

(1) Enforcement Procedures

- a. When the inspection agency or an inspector determines the approved erosion and sediment control plan is not being properly installed or maintained, the inspector shall notify the on-site personnel or the permit tee of the violation, describe the required corrective action and the time period in which to have the violation corrected.
- b. If the violation persists after the date specified for corrective action in the notice of violation, the inspection agency shall stop work on the site. The inspection agency shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.
- c. If reasonable efforts to correct the violation are not undertaken by the permit tee, the inspection agency shall refer the violation for legal action.
- d. The permit issuing agency may deny the issuance of any permits to an applicant when it determines that the applicant is not in compliance with the provisions of a building or grading permit or approved erosion and sediment control plan.
- e. Any step in the enforcement process may be taken at any time, depending upon the severity of the violation.
- f. If a person is working without a permit, the inspection agency shall stop work on the site except activity necessary to provide erosion and sediment control.

I. Wetland Protection

A. Purpose and Intent:

It is declared to be the public policy of the Town of Oswego to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the use and development as such wetlands consistent with the general welfare and beneficial economic and social development of the Town of Oswego. It is the intent of the Town of Oswego to exercise its authority over freshwater wetlands pursuant to Article 24 of the State Environmental Conservation Law.

B. Definitions:

For the purpose of this article, the following terms, phrases, words and their derivatives shall have the meaning given herein:

AGENCY – The Planning Board of the Town of Oswego.

APPLICANT – Any person who files an application for any permit pursuant to this local law, and includes the agent of the owner or a contract vendee.

BOARD – The Freshwater Wetlands Appeals Board established by Article 24 of the New York State Environmental Conservation Law.

BOUNDARIES OF A FRESHWATER WETLAND – The outer limit of the vegetation specified in Subsections A and B of the definition of “freshwater wetlands” and of the waters specified in Subsection C of the definition of “freshwater wetlands”.

FRESHWATER WETLANDS – State law addresses wetlands of 12.4 acres or greater. Wetlands below 12.4 acres are not mapped or regulated by the State. Lands and waters of the Town of Oswego as shown on a freshwater wetlands map, which contains any or all of the following:

- (1) Lands and submerged lands commonly called marshes, swamps, sloughs, bogs and flats supporting aquatic or semiaquatic vegetation of the following vegetative types:
 - a. Wetland trees, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other trees; including among others, red maple (*Acrea rubrum*), willows (*Salix* spp.), black spruce (*Picea mariana*), swamp white oak (*Quercus bicolor*), red ash (*Fraxinus pennsylvanica*), American elm (*Ulmus Americana*), and Larch (*Larix laricina*).
 - b. Wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other shrubs, including among others, alder (*Alnus* spp.), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), and leatherleaf (*Chamaedaphne calyculata*).
 - c. Emergent vegetation, including among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrow-arum (*Peltandra communis*), wildrice (*Zizana aquatica*), bur-reeds (*Sparganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*) and water plantain (*Alisma plantago-aquatica*).
 - d. Rooted, floating-leaved vegetation, including, among others, water-lily (*Nymphaea odorata*), water-shield (*Brasenia Schreberi*) and spatterdock (*Nuphar* spp.).
 - e. Free-floating vegetation, including, among others, duckweed (*Lemna* spp.), big duckweed (*Spirodela polyrhiza*) and watermeal (*Wolffia* spp.).
 - f. Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other open land vegetation, including, among others, sedges (*Carex* spp.), rushes (*Juncus* spp.), cattails (*Typha* spp.), rice cut-grass (*Leersia oryzoides*), reed canary grass (*Phalaris arundinacea*), swamp loosestrife (*Decodon verticillatus*) and spikerush (*Eleocharis* spp.).
 - g. Bog mat vegetation, including, among others, pondweeds (*Potamogeton* spp.), naiads (*Najas* spp.), bladderworts (*Utricularia* spp.), wild celery (*Vallisneria americana*), cottontail (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* spp.), muskgrass (*Chara* spp.), stonewort (*Nitella* spp.), waterweeds (*Elodea* spp.) and water smartweed (*Polygonum amphibium*).
 - h. Submergent vegetation including, among others, pondweeds (*Potamogeton* spp.), naiads (*Najas* spp.), bladderworts (*Utricularia* spp.), wild celery (*Vallisneria Americana*),

cottontail (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* spp.), muskgrass (*Chara* spp.), stonewort (*Nitella* spp.), waterweeds (*Elodea* spp.) and water smartweed (*Polygonum amphibium*).

- C. Lands and submerged lands containing remnants of any vegetation that is not aquatic or semiaquatic that had died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six (6) feet, and provided further that such conditions can be expected to persist indefinitely, barring human intervention.
- D. Lands and water enclosed by aquatic or semiaquatic vegetation as set forth herein in Subsection A above and dead vegetation as set forth in Subsection B above, the regulation of which is necessary to protect and preserve the aquatic and semiaquatic vegetation.
- E. The waters overlying the areas set forth in Subsections A and B and the lands underlying as described in Subsection C.

FRESHWATER WETLANDS MAP – A map on which are indicated the boundaries of any freshwater wetland and which has been filed with the clerk of the Town of Oswego.

LOCAL GOVERNMENT – A city, county, town or village.

PERMIT – That form of Town approval required by this local law for conducting a regulated activity.

PERSON – Any corporation, firm, partnership, association, trust, estate, one or more individuals and any unit of government or agency or subdivision thereof.

POLLUTION – The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to humans, vegetation, wildlife or property.

PROJECT – Any action which may result in direct or indirect physical impact on a freshwater wetland, including but not limited to any regulated activity.

REGULATED ACTIVITY – Any form of draining, dredging, excavation, removal of soil, mud, sand, shells, gravel or other aggregate from any freshwater wetland, either directly or indirectly; any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly; erecting any structures or roads, the driving of pilings or the placing of any other obstructions, whether or not changing the ebb and flow of the water; any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquid wastes, directly into, or so as to drain into, a freshwater wetland; and any other activity which substantially impairs any of the several functions served by freshwater wetlands or the benefits derived therefrom which are set forth in the above Declaration of Policy section.

STATE – The State of New York.

STATE AGENCY – Any state department, bureau, commission, board or other agency, public authority or public benefit corporation.

TOWN – The Town of Oswego.

- F. Permits.

- (1) Except as provided in Subsection (2) or (3) hereof, no person shall conduct a regulated activity in any freshwater wetland or adjacent area unless such person has first obtained a permit pursuant to these regulations.
- (2) No permit under this local law shall be required for:
 - a. The deposition or removal of the natural products of freshwater wetlands or adjacent areas by recreational fishing, hunting or trapping, where otherwise legally permitted and regulated.
 - b. Any actual or ongoing emergency activity which is immediately necessary for the protection and preservation of life or property or the protection or preservation of natural resource values. Such emergency activities include, for example: search and rescue operations; preventive or remedial activities related to large-scale contamination of streams or other bodies of water; floods, hurricanes and other storms; and public health concerns. Within five days of the termination of such an emergency involving the undertaking of any activity which otherwise would be treated as a regulated activity under this local law, the person chiefly responsible for undertaking such emergency activity shall send a written statement to the agency setting forth the pertinent facts regarding such emergency, including an explanation of the life, property or resource values such activity was designed to protect or preserve.
 - c. No person shall conduct a regulated activity in any freshwater wetland or adjacent area which activity affects more than (twelve and four tenths) 12.4 acres of freshwater wetlands without the requisite approval of the State Department of Environmental Conservation (NYSDEC).

G. Application for permit; processing.

- (1) Any person proposing to conduct or cause to be conducted a regulated activity requiring a permit under this article shall file an application for a permit with the CEO of the Town of Oswego. The CEO shall immediately forward such application to the agency.
- (2) An application for a permit shall be filed by the applicant on a form prescribed by the agency. Such application shall set forth the purpose, character and extent of the proposed regulated activity. The application shall include a detailed description of the regulated activity, a map showing the area of freshwater wetland affected, with the location of the proposed regulated activity thereon, a deed or other legal description describing the subject property and such additional information as the agency deems sufficient to enable it to make the findings and determinations required under this article. The application shall be accompanied by a list of the names of the owners of record of the freshwater wetland upon which the project is to be undertaken. An application shall not be deemed to be completed or received until the agency determines that all such information requested, has been supplied in a complete and satisfactory form.
- (3) The Clerk of the Town of Oswego shall cause a copy of such completed application to be mailed to the owners of record of the freshwater wetland.
- (4) Within (fifteen) 15 days of receipt of a completed application for a permit regarding a proposed regulated activity, the agency shall provide the applicant with a notice of application or a notice of hearing which the applicant shall publish at his or her own expense at least once in the official Town newspaper.

- (5) Notwithstanding any other provisions of this section, the agency may in its discretion dispense with or upon the written request of the applicant the agency shall dispense with a notice of application and require a notice of hearing pursuant to Subsection G.
- (6) A notice of application shall be in a form prescribed by the agency and shall:
 - a. Specify that persons wishing to object to the application should file a notice of objection by a specified date, which shall not be more than (20) days nor less than (10) days from the date of publication, together with a statement of the precise grounds of objection to the application, with the agency.
 - b. Specify that if no notices of objection are timely filed or if the agency determines that the proposed activity is of such a minor nature as to not affect or endanger the balance of systems within any freshwater wetland, then the agency, in its discretion, may determine a hearing is not necessary and dispense with the public hearing.
 - c. Specify that the application, including all documents and maps therewith is available for public inspection at the office of the Clerk of the Town of Oswego.
- (7) In the case where a notice of application has been published, the agency shall within 28 days of the date of publication provide the applicant with a notice of hearing which the applicant shall publish at his or her own expense no more than 20 days nor less than 10 days prior to the date set for the hearing, at least once in the official Town newspaper.
- (8) A notice of hearing shall be in a form prescribed by the agency and shall:
 - a. State the name of the applicant.
 - b. Specify the location and outline the scope of the proposed regulated activity.
 - c. Specify the date, time and place of the public hearing on the application.
 - d. Specify that the application, including all documents and maps therewith, is available for public inspection at the office of the Clerk of the Town of Oswego.
- (9) Notwithstanding Subsection G, where no notice of objection to the notice of application published pursuant to Subsection D shall have been filed within the time specified by that notice or where the agency determines that the proposed activity is of such a minor nature as not to affect or endanger the balance of systems within any freshwater wetland, the agency may, in its discretion, dispense with such hearing. Where the agency finds that a public hearing is not necessary, it shall file its decision setting forth its reasons therefore with the clerk of the Town. Said decision shall be a matter of public record and shall be mailed to the applicant and the owners of record of the freshwater wetlands.
- (10) The agency shall make the application, including all documents and maps associated with it, available for public inspection at the office of the Clerk of the Town of Oswego.
- (11) The agency may establish permit fees to assist in its implementation of this article.

H. Public hearing on a permit application.

Any public hearing held on a permit application received under this article shall be conducted by a hearing officer designed by the agency. The hearing officer shall have full authority to control the conduct and procedure of the hearing. The public hearing shall be held within the Town of Oswego.

I. Decision on application.

- (1) Where a public hearing has been held regarding a permit application, the agency shall either issue the permit requested, with or without conditions, or deny the application. The decision by the agency to issue or deny a permit after public hearing shall be based on the record of the hearing and shall be made in writing within (forty-five) 45 days of the close of the hearing.
- (2) Where no public hearing regarding a permit application has been held as permitted pursuant to the agency shall compile an official file consisting of documents submitted by the applicant and any additional documents relied on by the agency with respect to the application. The agency may also take notice of general, technical or scientific facts within the specialized knowledge of the agency. Any document made part of such official file shall be available for inspection by the applicant and any interested member of the public. On the basis of such file, the agency shall either issue the permit requested without conditions or deny the application. The decision by the agency to issue or deny a permit shall be made in writing within 40 days of publication of the notice of application; provided, however, that where there have been no objections filed regarding a proposed regulated activity, the issuance of a permit shall be deemed to be a written decision by the agency.
- (3) A copy of the decision of the agency on each application for a permit under this article shall be mailed by the agency as soon as practicable following such decision to the applicant and the owners of record of the freshwater wetland.

J. Standards for permit decisions.

- (1) In granting, denying or conditioning any permit, the agency shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and protection or enhancement of the several functions of the freshwater wetlands and the benefits derived there from.
- (2) No permit shall be issued by the agency pursuant to this article unless the agency shall find that:
 - a. The proposed regulated activity is consistent with the policy of this local law to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the use and development of such wetlands consistent with the general welfare and beneficial economic and social development of the Town of Oswego.
 - b. The proposed regulated activity is consistent with the land use regulations applicable in the Town of Oswego pursuant to 24-0903 of Article 24 of the Environmental Conservation Law.
 - c. The proposed regulated activity is compatible with the public health and welfare.
 - d. The proposed regulated activity is reasonable and necessary.

- (3) The applicant shall have the burden of demonstrating that the proposed regulated activity will be in accord with the standards set forth in this section.
- (4) Duly filed written notice by the state or any agency or subdivision thereof to the agency, that the state or any such agency or subdivision is in the process of acquiring the affected freshwater wetland on which a proposed regulated activity would be located by negotiation or condemnation shall be sufficient basis for denial of a permit for such regulated activity. Such notice may be provided at any time prior to the agency's decision to issue or deny a permit for the regulated activity.

K. Conditions to a permit.

- (1) Any permit issued pursuant to this local law may be issued with conditions. Such conditions may be attached as are necessary to assure the preservation and protection of affected freshwater wetlands and to assure compliance with the policy and provisions of this article and any provisions of the agency's rules and regulations adopted pursuant to this article.
- (2) Every permit issued pursuant to this article shall contain the following conditions:
 - a. The agency shall have the right to inspect the project from time to time.
 - b. The permit shall expire one year from the date of its issuance.
 - c. The permit holder shall notify the agency in writing of the date on which project construction is to begin, at least five days in advance of such date.
 - d. The agency's permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
 - e. The agency shall set forth in writing its findings and reasons for all conditions attached to any permit.

L. Powers and duties of agency.

In order to carry out the purposes and provisions of this article, the Town of Oswego Planning Board shall have the following powers:

- (1) To recommend to the Town Board after public hearing (except in the case of rules and regulations that related to the organization or internal management of the agency), such rules and regulations, consistent with this local law, as it deems necessary to administer this article.
- (2) To contract for professional and technical assistance and advice.
- (3) To hold hearings and subpoena witnesses in the exercise of its powers, functions and duties provided for all questions.

M. Coordination with other laws.

- (1) To the greatest extent practicable, any public hearing held pursuant to be incorporated with any public hearing required by or pursuant to the New York State Town Law, General Municipal Law or Environmental Conservation law relating to approvals or permits otherwise required for the undertaking of regulated activities on the freshwater wetland in question.

- (2) No permit granted pursuant to this article shall remove any person's obligation to comply in all respects with the applicable provisions of any other federal, state or local law or regulation including, but not limited to, the underlying zoning regulations or the obtaining of any other required permit do or approval.

N. Financial Security.

The agency may require that, prior to commencement of work under any permit issued pursuant to this article, the permitted shall post a letter of credit with the agency, in an amount determined by the agency, conditioned upon the faithful compliance with the terms of such permit and for the indemnification of the Town of Oswego for restoration costs resulting from failure to so comply. Such letter of credit shall be issued by a corporate surety authorized to do business in the state and shall be in favor of the Town of Oswego. It shall remain in effect until the agency certifies that the work has been completed in compliance with the terms of the permit or the letter of credit is released by the agency, or a substitute letter of credit is provided.

O. Suspension or revocation of permits.

- (1) The agency may suspend or revoke a permit issued pursuant to this article where it finds that the permitted has not complied with any or all terms of such permit, has exceeded the authority granted in the permit, or has failed to undertake the project in the manner set forth in the application.
- (2) The agency shall set forth in writing its findings and reasons for revoking or suspending a permit pursuant to this section.

P. Penalties for offenses.

- (1) Administrative sanctions. Notwithstanding any other provision of this local law, any person who violates, disobeys or disregards any provision of this article, including any provision of any permit issued pursuant to this article or any rule or regulation adopted by the agency pursuant to his article, shall be liable to the people of the state for a civil penalty not to exceed \$3,000 for every such violation, to be assessed, after a hearing or opportunity to be heard upon due notice and with the rights to specification of the charges and representation by counsel at such hearing, by the agency. Such penalty may be recovered in an action brought by the agency attorney at the request and in the name of the agency in any court of competent jurisdiction. Such civil penalty may be released or compromised by the agency before the matter has been referred to the agency attorney, and such penalty may be released or compromised an any action commenced to recover the same may be settled and discontinued by the agency attorney with the consent of the agency. In addition, the agency shall have power, following a hearing held in conformance with the procedures set forth in 71 – 709 of the Environmental Conservation Law, to direct the violator to cease his or her violation of this article and to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible within a reasonable time and under the supervision of the agency. Any such order of the agency shall be enforceable in an action brought by the agency attorney at the request and in the name of the agency in any court of competent jurisdiction.
- (2) Criminal sanctions. Notwithstanding any other provision of this local law, any person who violates an order permit or rule or regulation of the agency regulating freshwater wetlands and adjacent areas pursuant to this article shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than \$500 nor more than \$1,000; for a second and each subsequent offense he or she shall be guilty of misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not less than 15 days nor more than

six months, or both. Instead of these punishments, any offender may be punished by being ordered by the court to restore the affected freshwater wetland to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time in which to complete restoration. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Q. Enforcement.

- (1) The agency attorney, upon his or her own initiative or upon complaint of the agency, shall prosecute persons alleged to have violated any such order of the agency pursuant to this article.
- (2) The agency shall have the right to seek equitable relief to restrain any violation or threatened violation of any provisions of this article.

J. Protection and Buffering of Streams and Other Water Bodies

No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that affects the water levels or flow of such watercourses without review as to the effect of such alteration and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. This review and approval of such alteration shall be made by the Planning Board in consultation with the NYS Department of Environmental Conservation (DEC) or Army Corps of Engineers. Where the applicant must obtain a stream disturbance or discharge permit from the DEC or Army Corps of Engineers, Planning Board approval shall be conditional on the receipt of permit approval.

- A. The buffer areas should be a Zone 3 as described by NYS DEC - a minimum of one-hundred (100) feet shall be maintained along riparian banks and streams, creeks and rivers.
- B. The buffer shall be designed as follows:
 - (1) The area closest to the stream or water body, extending a minimum horizontal distance of fifteen (15) feet from the top of the riparian bank. This area is known as Zone 1. Its primary function is protection of the aquatic habitat, providing shading to lower water temperature and control of stream bank erosion. Existing trees and shrubs should be retained and new plantings can be placed in sufficient density to achieve this percentage of canopy cover when trees and shrubs reach their mature height.
 - (2) Adjacent to the buffering as described in paragraph 1, will be a minimum of twenty (20) feet and is known as Zone 2. Managed vegetation consisting of trees and shrubs absorb nutrients, toxins and sediment in surface water flow. This zone can be extended to sixty (60) feet or more dependent on slope and site conditions.

A general guide is 1.5 feet for each 1 % increase in slope (NYS Conservation Practice Standard 391) should be followed.

- (3) The next area is known as Zone 3 and must be a minimum of twenty (20) feet. The width of Zone 3 would normally be determined by subtracting the combined width of Zones 1 and 2 from one-hundred feet (100'). However, in some areas where for example steep slopes exist Zone 3

may extend the one-hundred foot (100') buffer. Although native trees and shrubs are the first defense in assuring proper functioning of Zones 1 and 2, grasses and legumes are preferred in Zone 3. It is critical to consider function as well as slope in determining the width of Zone 3.

The one-hundred foot (100') buffer is composed of these three zones. While there is flexibility in determining how the eighty-five feet (85') comprising Zone 2 and Zone 3 is divided, lawns would not be closer than thirty-five feet (35') to the waters edge. Although there may be some instances in which buffer width could exceed one-hundred feet (100') a one-hundred foot (100') Zone 3 buffer would be the standard.

In areas with well established trees and shrubs, extending Zone 2 may be preferable to a wider Zone 3 grass planting. As the slope increases, the width of Zone 1 and 2 will need to be increased proportionately. Grasses and legumes are preferred in Zone 3 and need regular maintenance. This is usually synonymous with lawn maintenance; however, hay or pasture uses can be made compatible.

Areas of significant, natural, historic and cultural value could require wider buffers. Similarly, a deeply eroded stream bank might require a wider Zone 1 and additional stabilizing (rip rap). Conversely, a lot or site that did not have sufficient depth to support a one-hundred foot (100') buffer could apply for a variance retaining all or most of Zone 1 and 2, with a shortened Zone 3.

C. Other Protective Measures:

- (1) No clear-cutting along the riparian bank. Within thirty-five feet (35') extending from the top of the riparian bank inland from all points, no vegetation may be removed from all points, no vegetation may be removed which would reduce the canopy below seventy-five percent (75%). This area shall be maintained as an undisturbed natural vegetated buffer strip. An allowance for access to water and shoreline viewing is allowed as follows: access to water and shoreline viewing is as follows: access paths zero feet or less in width and a contiguous break in streamside vegetation of no more than thirty feet (30') or no more than twenty percent (20%) of property width which ever is less. Breaks must be planned to avoid stream bank erosion and channeled water flow.
- (2) No removal of live trees, shrubs, and plantings in the buffer zones, except to provide for water access as allowed in paragraph #3 above, thinning and pruning is permitted at least 75% of the canopy is maintained. These regulations shall not apply to the removal of dead, diseased or dying trees or to other vegetation which, in the opinion of the zoning administrator, presents a safety or health hazards.
- (3) Natural vegetation is to be preserved as far as practicable, and where removed, shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving aesthetics.
- (4) The use of pesticides and fertilizers in the buffer zones is not permitted.
- (5) Measures shall be taken to prevent the uncontrolled access of livestock to buffer and riparian banks and to the water presents a safety or health hazards.
- (6) Composting yard and vegetable waste within the buffer itself is not permitted.

D. Drainage, Grading, Erosion and Siltation

(1) General:

- a. Development on sites with steep slopes (grades of fifteen percent (15%) or greater), streams, and wetlands, and soils subject to erosion and high run off volume, shall be minimized wherever possible. Disturbance of any such areas shall be stabilized and reclaimed as much as possible during and after construction.

(2) Purpose:

- a. The purpose of drainage, erosion and siltation control measures are:
 1. To guide drainage and prevent increases in runoff on and off the site.
 2. To prevent destruction and loss of soils on and off the site from increased runoff.
 3. To prevent siltation of water bodies, watercourses and wetlands on and off the site and subsequent harm to or loss of aquatic plant and animal life.

E. Runoff Control:

(1) The Planning Board shall require the developer to provide a Storm Runoff Control Plan. It shall be based on adequate topographic surveys, soils investigations and runoff projections. To the maximum extent possible, the following standards shall apply:

- a. The natural drainage patterns on and off-site shall be maintained in their present state to the degree possible, and protected from disturbance.
- b. Storm water runoff shall be directed away from impervious surfaces and toward absorbent ground area.
- c. The plan shall minimize blockage, collapse or washout of street drainage or other hazards associated with drainage and spring runoff conditions.
- d. Connection shall be made to existing storm water runoff drainage systems, where feasible.

(2) Scheduling and Phasing of Control Measures.

- a. The following criteria shall be used in planning storm water runoff plans:
 1. Control measures shall be designed for up to a twenty-five (25) year frequency; twenty-four (24) hour storm so that runoff flows will be released to adequate stable channels at a rate not to exceed conditions prior to soil disturbance.
 2. Plans shall include estimated peak rates and volumes of runoff.

F. Drainage Easements:

(1) Drainage easements to the Town of Oswego for purposes of entering the property to monitor and maintain stream flow conditions through the project site shall be provided by the applicant and

identified on the site plan. Notwithstanding such easements, a note shall be included on each site plan that "All storm water drainage system appurtenances and retention areas shall be maintained in a fully functional and safe condition by the property owner."

G. Grading:

- (1) Grading shall be minimized to the extent possible on sites with slopes over fifteen percent (15%), streams, and wetlands, and soils subject to erosion and high runoff volume. There shall be no grading permitted on slopes greater than twenty-five percent (25%) without Planning Board approval.
 - a. A Land Grading Plan shall be prepared for all construction and development sites that involve grading. The plan should show grading proposed for both during and after construction.
 - b. The grading plan shall be based upon adequate topographic surveys and investigations, information about soil type, depth, properties and slope. Such plans shall show the location, slope, cut, fill and finish elevation of the surfaces to be graded. The plan shall also show the proposed methods for the disposal of runoff water, slope stabilization, erosion control and drainage. The location of facilities such as waterways, ditches, diversions, grade stabilization structures, retaining walls and subsurface drains shall also be shown with reference to the Storm Runoff Control Plan.
- (2) The Land Grading Plan shall be based upon the following minimum criteria:
 - a. The cut face of earth excavations and fills shall be no steeper than the safe angle of repose for the materials encountered and flat enough for stabilization and maintenance. Generally a maximum slope should be used unless specific engineering data shows a steeper slope is stable. For erosion control and maintenance, 3:1 (three to one) slopes or less are desirable.
 - b. No excavation and filling operations shall affect adjoining property.
 - c. Land to be cut or filled should be cleared of trees, stumps, roots, brush, boulders, sod and debris.
 - d. Fill material should be free of sod, roots, frozen soil, or other decomposable material.
 - e. The permanently exposed faces of earth cuts and fills shall be vegetated or otherwise protected from erosion immediately upon completion of earth placement.

Article XIII. Permits

A. Permit required.

No structure shall be erected or structurally altered in any district nor shall any excavation be made for any intended structure until zoning and building permits have been issued. For the purpose of this article only, the following are deemed not to be a structure: driveways, sidewalks, fences, residential post-lights under ten feet (10') in height and a simple antennae capable of receiving (but not transmitting) electronic signals, satellite dish and dish antennae.

B. Application.

Before the issuance of any permit, the owner of the premises or his agent shall file with the CEO an application for a permit consisting of a diagram or plan in duplicate showing the dimension of the lot on which the proposed structure or alteration is to be erected, the dimensions of the proposed structure or alteration and its location upon the lot and the proposed setbacks, together with a statement of the intended use of the structure or alteration and such other information as may be required to determine whether or not such proposed structure or alteration and the use thereof will comply with the provisions of this local law.

(1) Action on application.

The CEO shall thereupon examine such application and, if the proposed structure or alteration and the proposed use thereof shall comply with the provisions of this local law and any other applicable laws, he shall thereupon issue a building and zoning permit for the proposed construction and return one (1) copy of the application with the permit to the applicant. If the proposed structure or alteration or proposed use shall not comply with the provisions of this local law, he shall return one (1) copy of the application to the applicant with the notation that a permit has been refused and the grounds for such refusal. The duplicate copy of the application shall be retained by the CEO, which shall note thereon the date of the issuance of the permit, or if a permit has been refused, he shall note upon the copy of the application the grounds for such refusal.

(2) Completion of work; duration of permit.

All work in connection with the construction, erection or alteration of any structure shall be fully completed within one (1) year from the date of the issuance of the permit, unless the CEO, shall upon application extend the period within which the work may be completed and the duration of the permit therefore. Permits for temporary signs shall be issued only for the period applicable to the use of such sign and in no event for a period to exceed one (1) year. Nothing herein contained shall prohibit an application for a renewal of any such permit.

C. Use Permits

(1) Permit required.

No premises shall hereafter be used for any purpose other than the use existing at the time of the adoption of this article and no structure hereafter erected or altered shall be used or occupied for any purpose until a permit has been issued for the use specified therein, which shall be a use permitted in this article or granted by the Planning Board and/or ZBA.

(2) Application; issuance or denial.

In connection with the erection or alteration of structures, no separate application need be made for the permit for the use of the same, and the CEO shall at the time of the issuance of a permit for the construction or alteration, issue a permit for the use thereof. In the event of a proposed change of use of premises or structures, the owner or occupant shall file an application in duplicate with the CEO showing the location of the premises or structure, the existing and proposed use. If the proposed use shall comply with this local law, the CEO shall thereupon issue a permit for the proposed use and present one (1) copy of the application with the permit to the applicant, one (1) to the Town Clerk and one (1) with the Town Assessor. If the proposed use shall not comply with the provisions of this local law, he shall return one (1) copy of the application to the applicant with the notation that a permit has been denied and the grounds for such denial. The duplicate copy of the application shall be retained by

the CEO, who shall note thereon the date of the issuance of the permit, and if a permit has been refused, he shall note upon the copy of the application the grounds for such refusal.

D. Certificates of Occupancy

(1) Certificate required.

No structure may be occupied unless a certificate of occupancy has been issued by the Code Enforcement Officer.

a. Inspection required prior to issuance.

No certificate of occupancy shall be issued until the CEO shall have inspected the premises and found it to be in compliance with all applicable laws, rules, regulations and permits.

E. Demolition Permits.

(1) Purpose.

There are structures of historical and/or architectural merit in the Town of Oswego, as noted in the Town's Comprehensive Plan. These structures are or may be threatened by development pressures. The Town wishes to provide for public notice and a period of public consideration before any such structures are demolished.

(2) Permit required.

Prior to the demolition of a residence, commercial structure or barn, or a portion thereof, the Town shall require a demolition permit.

(3) Application procedure.

An application for a demolition permit shall be presented to the CEO. Such application shall contain the following information:

- a. The name, address and telephone number of the applicant.
- b. The location of structure proposed to be demolished.
- c. Reasons for the proposed demolition.
- d. The date when the proposed demolition is to take place, must be within at least sixty (60) days after the date the application is received and approved by the CEO.

(4) Upon receipt of such application the CEO shall cause to be published in the official Town newspaper a notice to the effect that the applicant has applied for such a permit and proposes to carry out such demolition on or after the date set forth in the application.

F. Appeals

(1) Any person aggrieved by the granting or refusal of any permit or by an order, decision or

determination of the CEO or other administrative official charged with the enforcement of this article may appeal to the ZBA within thirty (30) days from the date of the determination appealed from.

- (2) Notice of appeal shall be in writing and shall be served together with the required fee upon the Town Clerk and upon the officer from whose order or decision the appeal is taken. Such notice of appeal shall specify the order, ruling, decision or determination from which the appeal is taken, and if the appeal involves the granting of a variation or modification of any of the provisions of this local law, such notice of appeal shall specify that a variation or modification is requested and the nature of the same. Any such appeal shall be taken, heard and determined in accordance with the provisions of state law and the rules and regulations of the ZBA.

G. Fire Prevention and Building Construction

- (1) Purpose.

The Town is required by Title 19 NYCRR, Part 444, to provide the administration and enforcement of the Uniform Fire Prevention and Building Code and Energy Conservation Code which is applicable in this Town.

- (2) Administration and enforcement.

The CEO is the official responsible for the administration and enforcement of the Uniform Code.

- (3) Inspections.

- a. The CEO shall conduct:

1. Construction inspections where a building permit has been issued, at such times during the course of construction as will permit the observation of the foundation, structural elements, electrical systems, plumbing systems, heating, ventilation and air conditioning systems, fire-protection and detection systems and exit fixtures.
2. Inspections prior to the issuance of a certificate of occupancy or a certificate of compliance.
3. The CEO will conduct business in accordance with current Local Law which addresses the Administration and Enforcement of the NYS Fire Prevention and Building Code.

- (4) Records.

The CEO shall maintain a system of records of the activities conducted, pursuant to Town Records hereof and of fees charged and collected therefore.

Article XIV. Nonconforming Buildings, Uses and Lots

- A. Continuance.

Any lawful structure or use existing at the time of the adoption of this local law, or existing whenever a zoning district in which it is located shall be changed, may continue (unless abandoned for a period of twelve (12)

months or greater) although such structure or use does not conform to the requirements of this local law. No such nonconforming use may be increased by the erection of any additional structures or extension or enlargement of existing structures. Structural changes may, however, be made in a nonconforming structure or within a structure devoted to a nonconforming use, provided that the cost thereof shall not exceed 50% of the then- fair market value of such structure, a special permit is approved by the Planning Board and such structural changes conform to the requirements of this local law.

B. Changes in existing nonconforming uses.

No change shall be made in any nonconforming use except a change to a use permitted under this local law.

C. Damage to or destruction of nonconforming structures.

A nonconforming structure which is damaged or destroyed to the extent of more than fifty percent (50%) of its fair market value shall not be rebuilt except with approval of a special permit by the Planning Board and in conformity with the requirements of this local law; provided, however, that structures on premises used solely for residential purposes, if damaged or destroyed to any degree, may be rebuilt on the original foundations with the square feet of floor space being not more than existed prior to the damage or destruction.

D. Building permit required; hearing.

Before any damaged or destroyed nonconforming use can be repaired or rebuilt as provided in Article XIV.C and before any structural changes can be made as provided in Article XIV.A, a building permit must be obtained by the owner from the Town CEO. Before a building permit may be issued, the ZBA must conduct a hearing and make a determination as to whether or not the proposed structural change or the damaged or destroyed structure qualifies for building, repair or rebuilding under Article XIV. Such a determination shall be made within forty-five (45) days of said hearing, and that determination shall be promptly communicated to the CEO, who shall be bound by such decision.

E. Termination of nonconforming use.

A nonconforming use shall terminate when:

- (1) Such use is abandoned or has discontinued for a period of one (1) year.
- (2) A nonconforming use once changed to a conforming use shall not be permitted to change back to a non conforming use. Except a pre-existing nonconforming lot/use that were created by the adoption/revisions of the Town of Oswego Zoning Ordinance dated February 15, 1974 and updated November 12, 1981. These uses will be allowed to continue provided that they do not violate the termination of nonconforming use section of this local law 1-2009.
- (3) Any property owned by the United States or any of its agencies or departments or by the State of New York or by any municipality devoted in whole or in part to such use is sold.

F. Exemptions.

- (1) Farms.
 - a. The provisions of this article shall not apply to accessory structures on a farm.
- (2) Certain residential structures.

- a. The provisions of this article shall not apply to single-family residential structures which were conforming when erected, but which have since been made nonconforming by reason of a change in zoning classification or changes in zoning requirements in their original zoning classification.
- b. The structures referred to in Subsection A are, however, subject to the lot coverage ("clean-up") restrictions set forth in Article III c. Residential Districts, and to the setback requirements in effect when those structures were erected.

Article XV. Special Flood Hazard Areas

A. Purpose and Intent:

- (1) Purpose. The Town Board of the Town of Oswego, New York finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Oswego and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this article is adopted.
- (2) Intent. It is the purpose of this article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
 - b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 - c. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
 - d. Control filing, grading, dredging and other development which may increase erosion or flood damages.
 - e. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
 - f. Qualify and maintain for participation in the National Flood Insurance Program.
- (3) Objectives.

The objectives of this section are:

- a. To protect human life and health.
- b. To minimize expenditure of public money for costly flood-control projects.

- c. To minimize the need to rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- d. To minimize prolonged business interruptions.
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard.
- f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.
- g. To provide that developers are notified that property is in an area of special flood hazard.
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

B. Definitions.

- (1) Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.
- (2) The above documents are hereby adopted and declared to be a part of this article. The Flood Insurance Study and/or maps are on file at the Oswego County Department of Community Development, Tourism and Planning.
- (3) FIRM Maps are the Flood Insurance Rate Map developed by the Federal Emergency Management Agency.

C. Condition of Provisions.

This article includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention. In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever, the requirements of this article are at variance with the requirements of any other lawfully adopted rules, regulations or laws, the most restrictive, or that imposing the higher standards, shall govern.

D. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this article and any other applicable regulations. Any infraction of the provisions of this article by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Notwithstanding any other provisions of this local law, any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punishable as provided in this local law. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town Board from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not in compliance with the requirements of this article for which the developer and/or owner has not applied for and received an approved variance and will be declared

noncompliant and notifications sent to the Federal Emergency Management Agency.

E. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Town of Oswego, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.

F. Designation of local administrator.

The Oswego Town Board shall appoint a local administrator to administer and implement this article by granting or denying development permit applications in accordance with these provisions.

G. Development permits; fees.

- (a) A floodplain development permit shall be obtained before the start of construction or any other development within the areas of special flood hazard as established by the FIRM (Flood Insurance Rate Map) for the Town of Oswego prepared by the Federal Emergency Management Agency (FEMA). Application for a development permit shall be made on forms furnished by the local administrator and may include, but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- (b) Fees. All applications for a floodplain development permit shall be accompanied by an application fee is established by Town resolution. In addition, the Town of Oswego reserves the right to recover from the permittee all reasonable costs necessary for review, approval and inspection of this project.
- (c) Application stage. The following information is required where applicable:
 1. Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures.
 2. Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed.
 3. When required, a certificate from a licensed professional engineer or architect that the utility flood proofing will meet the criteria.
 4. Certificate from a licensed professional engineer or architect that the nonresidential flood proofed structure will meet the flood proofing criteria.
 5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

- (d) Construction stage. Upon replacement of the lowest floor or flood proofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor or flood proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building, the flood proofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by the same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk.
- (e) The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue stop work order for the project unless immediately corrected.

H. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to:

- (1) Permit application review. The local administrator shall:
 - a. Review all development permit applications to determine that the requirements of these regulations have been satisfied.
 - b. Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - c. Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this article, 'adversely affects' means physical damage to adjacent and other properties. An engineering study may be required of all applicants for this purpose.
 - d. If there is no adverse effect, then the permit shall be granted consistent with the provisions of this article.
 - e. If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
 - f. Review all development permits for compliance with the provisions.
- (2) Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, may be utilized as the basis for determining areas of special flood hazard.
- (3) Information to be obtained and maintained. The local administrator shall:
 - a. Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.
 - b. For all new or substantially improved flood proof structures:

1. Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been flood proof; and
2. Maintain the flood proofing certifications required.
3. Maintain for public inspection all records pertaining to the provisions of this article, including variances when granted and certificates of compliance.

I. Alteration of watercourses. The local administrator shall:

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency management Agency, Region II, 26 Federal Plaza, New York, NY 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

J. Interpretation of FIRM boundaries.

- (1) The local administrator shall not have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
- (2) Base flood elevation data established pursuant and/or Subsection B of this section, when available, shall be used to accurately delineate the area of special flood hazards.
- (3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish flood elevations within the areas of special flood hazard when base flood elevations are not available.

K. Stop-work orders.

- (1) All floodplain development found ongoing without a development permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in.
- (2) All floodplain development found noncompliant with the provisions of this local law and/or the conditions of the development permit shall be subject to the issuance of a stop-work by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in.

L. Certificate of compliance.

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this article.
- (2) All other development occurring within the designated flood hazard will have upon completion a certificate of compliance issued by the local administrator.

- (3) All certifications shall be based upon the inspections conducted subject to Subsection G and/or certified elevations, hydraulic information, flood proofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

M. General standards.

In all areas of special flood hazard the following standards are required:

- (1) Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. All manufactured homes shall be installed using methods and practices, which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated in accordance with New York State Building Codes. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - c. All recreational vehicles placed on-site for longer than one hundred eighty (180) consecutive days and not fully licensed and ready for highway use must be elevated and anchored to resist flotation, collapse or lateral movement.
- (2) Construction materials and methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Utilities.
 - a. Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer or architect's certification is required.
 - b. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.
 - d. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) greater than either fifty (50) lots or five (5) acres.

(5) Encroachments.

- a. All proposed development in riverine areas where no flood elevation data are available shall be reviewed as set forth herein, to determine the effects of the encroachment on the flood-carrying capacity of the stream. The local administrator may require submission of additional technical analyses and data necessary to complete the determination.
- b. In all areas of special flood hazard in which base flood elevation data are available pursuant to Subsection M (4) d of this section and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- c. In all areas of the special flood hazard where floodway data is provided or available pursuant to the requirements of FEMA Insurance Program, shall apply. Notwithstanding any other provisions of this article, certain development may be permitted to increase the water surface elevation of the base flood (e.g. dams, levees, etc.) provided that the Town of Oswego endorsed application provides all necessary data and analyses and pays all fees and FEMA approval is received.
- d. The local administrator may require, where practical or feasible, mitigation or volumetric compensation for encroachments such as placement of fill or other development within areas of special flood hazard.

N. Special standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth the following standards are required:

- (1) Residential construction. New construction and substantial improvements of residential structures shall:
 - a. In all areas have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
 - b. In all areas of special flood hazard, have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a

basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- c. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and
 - d. The bottom of all such openings no higher than one (1) foot above the lowest adjacent finished grade.
 - e. Openings may be equipped with louvers, valves, screens or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters.
 - f. Within any Zone, when no base flood data area available, have the lowest floor elevated at least three feet (3') above the highest adjacent grade.
- (2) Manufactured homes and recreational vehicles.
- a. A manufactured home that is placed or substantially improved on a site in a Flood Zones: A, AE, AH, AO, A99, V and VE Zone that is either:
 - 1. Outside of a manufactured home park or subdivision;
 - 2. In a new manufactured home park or subdivision as herein defined;
 - 3. In an expansion to an existing manufactured home park or subdivision as herein defined; or
 - 4. In an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) A manufactured home to be placed or substantially improved on a site located in a Flood Zone, in a manufactured home park or subdivision, as herein defined, that is not subject to the provisions of Subsection (2)a. above shall be elevated so that either:
- a. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade and are securely anchored to an adequately anchored foundation system.
- (4) New construction or substantial improvements of manufactured homes in Flood Zone A and Zone D, where no base flood elevation data is available, shall be elevated at least three feet above the highest adjacent grade.

- a. All recreational vehicles placed on-site for longer than one hundred eighty (180) consecutive days and not fully licensed and ready for highway use must be elevated in accordance with Subsection B(1), B(2), or B(3) above.
- b. Manufactured homes and recreational vehicles, on-site for longer than one hundred eighty (180) consecutive days, with fully enclosed areas below the lowest floor, must meet the requirements of.

O. Nonresidential construction.

- (1) In Zones A, AE, AH, AO, A99, V, VE, new construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - a. Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
 - b. Be flood proofed so that the structure is watertight below the base level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) In Zone X, all new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- (3) In Zones A and D, when no base flood data are available, have the lowest floor elevated at least three (3) feet above the highest adjacent grade.
- (4) If the structure is to be elevated, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically (without human intervention) equalize hydrostatic forces on exterior walls by allowing for the entry or exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (5) If the structure is to be flood proofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for

meeting the provisions of, including the specific elevation (in relation to mean sea level) to which the structure is flood proofed.

P. Floodways.

Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by FIRM (Flood Insurance Rate Map), Federal Emergency Management Agency (FEMA), when applicable, all encroachments including fill, new construction, substantial improvements and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Q. Appeals Board.

- (1) The ZBA, as established by Article II. c., shall hear and decide appeals and requests for variances from the requirements of this article.
- (2) The ZBA shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this article.
- (3) Those aggrieved by the decision of the ZBA may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applicants, the ZBA shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such with the damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The necessity to the facility of a waterfront location, where applicable.
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles. The costs of governments and the dangers associated with conducting search and rescue operations during periods of flooding.

The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the

effects of wave action, if applicable, expected at this site.

The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

- (5) Upon consideration of the above factors and the purposes of this article, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (6) The local administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

R.

Variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of _ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that has been fully considered. As the lot size increases beyond the _ acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - a. The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.
 - b. The variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria of Subsections A, D, E and F of this section are met.

The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threat to public safety.

- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - a. A showing of good and sufficient cause;

- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

Article XVI. Definitions

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Accessory Use: A use incidental to and on the same lot as a principal use.

Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Acre: A measure of land area containing 43,560 square feet.

Adult Bookstore: A business enterprise which as a substantial portion of its stock –in-trade printed, visual or audio material of any kind or other novelties which are characterized by their emphasis on specified anatomical areas or specified sexual activities, including any such establishment having a substantial area devoted to the sale and display of such material. For the purposes of this definition, “substantial portion” or “substantial area devoted to the sale and display of such material. For purposes of this definition, “substantial portion” or “substantial area” shall be 25% or more of any of the following:

1. The number of different titles or kinds of such merchandise
2. The number of copies or pieces of such merchandise;
3. The amount of floor space devoted to the sale and display of such merchandise; or
4. The amount of advertising, which is devoted to such merchandise either in print or otherwise promoted via the broadcast media.

Adult Entertainment Establishment: Any business enterprise which is other than an adult bookstore which has presentations characterized by emphasis on the description of depiction of specified anatomical areas or specified sexual activities during live show, motion picture films, videotapes or sound recordings presented to an audience of one or more individuals. Also included in this definition is any business enterprise, other than a bona fide medical or health service establishment, requiring a client or customer to display any specified anatomical area.

Adult Uses: Any type of use such as a bookstore, arcade, cabaret, motion picture theater, or live theater in which a substantial portion of the total presentation time or square footage of floor area is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adverse Impact: Means any deleterious effect on receiving waters, including their quality, quantity, surface area, aesthetics or usefulness for human or natural uses. Such deleterious effect is or may potentially be harmful or injurious to human health, welfare, safety or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Agriculture: Farming, production of field crops, dairying, pasturage, horticulture, floriculture, agriculture, production of maple sap, tree farms, and animal and poultry husbandry. The term “agriculture” shall also include necessary accessory uses for packing, treating or storing the products, provided, however that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Also to include farm employee housing.

Applicant: Means any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

Area Variance: The authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations

Bar: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded by law.

Bed and Breakfast: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Billboard: A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

Buffer Area: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Campground: An area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes on a year round basis.

Car Sales: The sale of new and used motor vehicles.

Car Sales, Used: The resale of automobiles.

Car Wash: An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery: Land improved and maintained for the internment of human or animal remains and may include internment structures such as mausoleums, administrative and maintenance structures and facilities for conducting funeral services, but excludes facilities for the cremation of human or animal remains.

Church or Place of Religious Worship: An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term church shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clear: Means any activity which removes the vegetative ground cover.

Clear Cutting: The indiscriminate removal of trees, shrubs, or undergrowth which the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics or the like, but not operated for profit, excluding churches synagogues, other houses of worship.

Commercial Vehicle: A commercial vehicle is any vehicle that meets one or more of the following physical dimensions:

1. Greater than 21 feet in length. This includes any load on the vehicle or tag along equipment/trailer hitched to the vehicle greater than 21 feet in length and/or Greater than 102 inches wide.
2. Weighed at over 10,000 lbs. gross vehicle weight and not licensed as a recreational vehicle.

Conservation Areas (district): Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Critical Environment Area: A specific geographic area designated by a state or local agency having exceptional or unique characteristics that make the area environmental important

Day Care Center: Land use for a child or adult care program which provides care for more than six children in a building that is not anyone's home. Group size is limited by space and the number care givers. Each person's use is for less than a period of 24 hours and may occur during any part of a day. Examples of activities which are day care facilities under this code include: nursery schools, preschool programs, after school programs or day care centers, and senior day care facilities.

Density: The number of dwelling units permitted per net acre of land.

Development: To make a site or area available for use by physical alteration. Development includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities and other services such as parking facilities, storm water management and erosion control systems, and sewage disposal systems, altering land forms or construction of a structure on the land.

Dormitory: A building used as group living quarters for a student body, religious order, or other group as an associated use to college, university boarding school, orphanage, convent, monastery, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

Drainage Area: Means that area contributing runoff to a single point, and/or its watershed.

Driveway: A private roadway providing access to a residence. For the purposes of this local law the driveway shall not be located in a side or rear set back without obtaining a variance.

Drywell: Similar to infiltration trench, but smaller, with inflow from pipe; commonly covered with soil and used for drainage areas of less than one (1) acre, such as roadside inlets and rooftop runoff.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment of occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement: The right of a person, government agency or public utility company to use public or private land owned by another specific purpose.

Erosion: The removal of soil particles by the action of water, wind, ice or other geological agents.

Erosion and Sediment Control: Means a system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

Erosion and Sediment Control Plan: Means an erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of the Town of Oswego Planning Board.

Exfiltration: The downward movement of runoff through the bottom of an infiltration system into the soil.

Extended Detention: A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release over 24 hours or more. A practice which is used to control peak discharge rates, and which provides gravity settling of pollutants.

Family Child Care Home: A private residence where care, protection and supervision of children is provided for a fee at least twice a week and at least three hours a day. This activity should be viewed as a minor or major home occupation. This activity should also be in compliance with NYS licensing requirements.

Farm: A parcel of land used for growing or raising agricultural products, including related structures thereon.

Farm Stand: An incidental and subordinate activity of a farm, nursery or greenhouse involving a building or lot or portions of a building or lot used for the seasonal retail sale of agricultural products, and may include activities in which retail customers pick or select their own produce from the fields or growing areas. A farm stand sales area may be one or more non contiguous spaces within a property and shall be greater than 100 square feet. A total sales area of 100 square feet or less does not constitute a farm stand.

Final Planned Unit Development Plan: An approved preliminary planned unit development plan prepared at such additional detail and showing information as required by local regulation and the modifications, if any, required by the legislative body at the time of approval of the preliminary planned unit development plan, if such preliminary plan has been so approved.

First Flush: The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants. The first flush in these guidelines is defined as the runoff generated from a one year 24 hour storm event from land which has been made more impervious from predevelopment conditions through land grading and construction/development activities.

Flea Market: Any indoor or outdoor place, location or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces, and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise.

Flood Plain: For a given storage event, that area of land temporarily covered by water which adjoins a watercourse.

Fore Bay: An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach retention or extended detention ponds.

Garage, Private: A building, for the private use of the owner or occupant of a principal building, situated on the same lot of the principal building for the storage of motor vehicles, and which has no facilities for

mechanical service or repair of a commercial or public nature.

Garage, Public: A building designed and used for the storage of automotive vehicles , which is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles

Garage, Repair: A building designed and used for the storage, care, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint and body work.

Gas Station: Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicle accessories.

Golf Course: A public or private area operated for the purpose of playing golf, and which may include a club house and accessory driving ranges.

Home Occupation, Minor: A home occupation in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create a need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic or general office use.

Home Occupation, Major: A home occupation in which not more than one person other than members of the family residing on the premises is employed on the premises.

Home Office: An office that is solely located within the operator's home. A home office is considered a home occupation, minor.

Horticulture, Nursery Commercial: Land and or building * occupied for the commercial raising, storage or retail sale of household or ornamental plants and may include the incidental sale of garden supplies, and/or bedding plants.

Hospital or Elder Care: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities, such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public providing additional services such as restaurants, meeting rooms and recreational facilities.

Household Pet: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not limited to domestic dogs, cats, birds and rodents.

Impervious Area: Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soil.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

Industrial Park: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on –site vehicular circulation, parking, utility needs, building design and orientation.

Infiltration: A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.

Infiltration Basin: An impoundment made by excavation or embankment construction to contain and exfiltrate runoff into the soil layer.

Junkyard: A parcel of land on which waste material or inoperative vehicles and other machinery are collected stored, salvaged or sold.

Kennel: This term shall apply for any establishment that board and/or, keeps, breeds and raises 25 or more domesticated animals, within a calendar year, excluding livestock, for profit. The term “kennel” shall not include the keeping of animals in a veterinary hospital for the purpose of observation and/or recovery necessary to veterinary treatment.

Livestock: Animals kept or raised for use or pleasure: including farm animals kept for use and/ or profit.

Locational Map: A map that identifies property location, this map should have at least two (2) streets identified and municipal boundary indication by miles or feet and directional scale.

Lot: A platted parcel of land intended to be separately owned, developed and otherwise used as a unit.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: The area of a site covered by buildings or roofed area, excluding allowed projecting eaves, balconies and similar features. Lot coverage measures the percentage of the lot that is covered by the building.

Manufactured Housing: Single family detached housing that is built to the National manufactured Housing Construction and Safety Standards Act 1974.

Manufactured Housing Park: A parcel of land under single ownership that has been planned and improved for the placement of manufacture housing for dwelling purposes.

Mobile Home: A transportable, factory built home, designed to be used as a year round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976 and reclassified units built after that time as manufactured housing.

Multi-Family: A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Non Conforming Building: Any building that does not meet the bulk and size requirements for the district that the building is located in for the use of said building.

Non Conforming Use: A lawful use of land that does not comply with the use regulations for the zoning district but which complied with the applicable regulations at the time the use was established.

Office, Small: A building or portion of a building, wherein services are performed involving predominantly administrative, professional, or clerical operations, which do not exceed 5,000 square feet.

Office: Same as above, except over 5,000 square feet.

Outfall: The terminus of a storm drain where the contents are released.

Park: Any public or private land available for recreational, educational, cultural or aesthetic use.

Parking Lot: A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use.

Parking Space: An unobstructed space or area other than a street or alley that is permanently reserved and maintained for parking of motor vehicles, in conjunction with the primary use of the lot.

Peak Flow: The maximum rate of flow of water at a given point and time resulting from a storm event.

Peak Flow Attenuation: The reduction of the peak discharge of storm runoff by storage and gradual release of that storage.

Planned Unit Development: Land under unified control to be planned and developed as a single development operation or programmed reviews of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements.

Planned Unit Development District: An independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development approved by the legislative body.

Poultry: Domestic fowl: in general chickens, turkeys, ducks, or geese raised for meat or eggs.

Prefab Home: A single family home that meets all building codes, but can be brought onto the site in whole or in part. Shall be considered a single family dwelling.

Preliminary Planned Unit Development Plan: A proposal for a planned unit development prepared in a manner prescribed by local regulation showing the layout of the proposed project including, but not limited to, maps, plans, or drawings relating to proposed land uses, approximate location and dimensions of buildings, all proposed facilities used including preliminary plans and profiles, at suitable scale and in such detail as required by local regulation.

Principal Use: The main use of land or structures as distinguished from a secondary or accessory use.

Recreational Vehicle: Any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, camping trailer and for any similar purpose.

Recycling Center: A building in which used material is separated and processed prior to shipment to others who will use those material to manufacture new products.

Restaurant: An establishment that serves food and beverages that has a current permit to operate issued by Oswego County Health Department.

Retention: A practice designed to store stormwater runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of permanent pool.

Right of Way: A strip of land occupied or intended to be occupied by a street, crosswalk railroad, electric

transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.

Riprap: A combination of large stone, cobbles and boulders used to line channels, stabilize stream banks, and reduce runoff velocities.

Riser: A vertical pipe that is used to control the discharge rate from a pond for a specified design storm.

Road, Private: A way open to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties. This definition shall not apply to driveways.

Road, Public: All public property reserved or dedicated for street traffic

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

Self Storage Facility: A building consisting of individual, small self-contained units that are leased or owned for the storage of business and household goods.

Semi-Tractor: A motor vehicle designed and used as a power unit in combination with a semi-trailer or trailer or two such trailers in tandem.

Semi-Trailer: Any trailer which is so designed that when operated the forward end of its body or chassis is to the rear of the towing vehicle.

Sign: Any material, structure or device of part thereof composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including window display area, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

Sign Area: The entire area within a continuous perimeter, enclosing the extreme limits of sign display including any frame or border. Curved, spherical or any other shaped sign face shall be computed on the basis of actual surface area.

Sign, Animated: Any sign that uses movement or change of lighting to depict action or to create a special effect or scene.

Sign, Banner: Any sign of light weight fabric or similar material mounted to a pole or a building by a permanent frame at one or more edges.

Sign, Canopy: Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door entrance, window or out door service area. A marquee is not a canopy

Sign, Changeable Copy: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than 8 times per day shall be considered an animated sign and not a changeable copy sign for purposes of this local law.

Sign, Freestanding: Any sign not affixed to a building.

Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial light including reflective or phosphorescent light.

Sign, Marquee: Any canopy extending more than two feet from a building with lettering on it.

Sign, Mobile: Any sign not designed or intended to be anchored to the ground and designed and intended to be capable of being transported over public roads and streets.

Sign, Permanent: Any sign intended and installed to be permanently in place at a given location by means of suitable fastening to a building or to a structure specifically erected to hold such sign(s) or to the ground.

Sign, Roof: Any sign in which all or any part extends above the wall of any building or structure, where said wall does not extend above the roofline. In no event shall a sign permitted as defined by ‘walls gin’ extends beyond the actual wall surface

Sign, Temporary: A display, informational sign, banner or other advertising device constructed of cloth, canvas, fabric, wood or other temporary material with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays and public demonstrations.

Sign, Window: A sign installed inside a window for purposes of viewing from the outside of the premises. This term does not include merchandise located in a window.

Single Family Dwelling: A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot. Pre-Fab homes/modular-site built shall be considered single family dwellings.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Sketch Plan Conference: A meeting with local planning officials to review a preliminary development plan.

Special Permit: A use that would not be allowed as a right in the said zoning district, but because of the additional review process can be controlled as to number, area, location or hours of operation is determined not to be detrimental to the neighborhood or public health, safety and/or general welfare.

Specified Anatomical Areas: This definition includes:

1. Unless completely and opaquely covered, human genitals, pubic regions, buttocks or female breasts below a point immediately above the top of the areola.
2. Even if completely and opaquely covered, male genitals in a discernible turgid state.

Specified Sexual Activities: Any touching of the genitals, public areas or buttocks of the human male or female or the breasts of the female, whether clothed or unclothed, alone or between members of the same or opposite sex, or between humans or animals, in an act of apparent sexual stimulation or gratification.

Stable, Private: A detached accessory building on a residential lot used for the keeping of livestock owned by occupants of the premises and not kept for remuneration or hire.

Stable, Public: An accessory building in which livestock are kept for commercial use including boarding, hire and sale.

Stream Corridor: The landscape features on both sides of a stream, including soils, slope and vegetation, whose alteration can directly impact the streams physical characteristics and biological properties.

Subdivision: The division of land, lot, tract or parcel into two or more lots, parcels, plats or sites or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural or other land, whether by deed, meets and bounds description less map, plat or other instrument.

Swale: A natural depression or wide shallow ditch used to temporarily route, or filter runoff.

Tow Truck: Any motor vehicle designed for the purpose of transportation or repairing disabled motor vehicles.

Tower: A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio or telephone communication excluding those used exclusively for dispatch communications

Truck Terminal: Land and buildings used as a relay station from the transfer of a load from one vehicle to another or one party to another. The terminal can not be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use Variance: The authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations

Variance: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building structure, or property, which because of unusual or unique circumstances is denied by terms of the zoning code.

Warehouse: A building used primarily for the storage of goods and materials

Warehousing and Distribution: A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of material that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Watershed: Means the total drainage area contributing runoff to a single point.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Note: Definitions related specifically to Article XX Wetlands Protection are located in that section.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

Yard, Front: A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

Yard, Rear: A yard extending across the full width of the lot lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

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

Yard, Side: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right angles to sidelines of the lot.

Zoning Permit: A document issued by the CEO that indicates the use or action is in compliance with the Town of Oswego Zoning Law.

Appendix – Other Local Laws (b)

Local	Law	Date Filed	Subject:	Length of Document
#1	1971	2/26//1971	Retain Elective Assessors	1 page
#1	1972	11/9/1972	Established dates of laws	1 page
#2	1972	11//9/1972	Proof of laws	1 page
#3	1972	11/24/1972	Operation of snowmobiles on public highways and places	4 pages
#1	1981	5/18/1982	Establishes payment of impoundment fees	3 pages
#1	1982	4/5/1982	Fire prevention	5 pages
#1	1985		Requiring written notice for condition/defect for maintenance	2 pages
#1	1987	4/6/1987	Flood damage prevention	8 pages
#2	1989	7/10/1989	Flood damage prevention repeal LL 1-1987	13 pages
#1	1993	3/2//1993	Amend code-require maintenance of premises free from junk	5 pages
#1	1997	2/10/1997	Increase amount of exemption	4 pages
#2	1997	2/10/1997	Or Decrease in veterans exemption	4 pages
#1	1999	7/22/1999	Amending local law of 1994	4 pages
#1	2000	9/1/2000	Meeting attendance standard for ZBA and planning board	3 pages
#3	2000	proposed	Regarding unregistered vehicles	3 pages
#1	2001	6/22/2001	Disability exemption on property taxes	2 pages
#2	2001	6/22/2001	Amend local law #1-1994 on Flood Plain maps	5 pages
#3	2001	10/22/2001	Alternates to ZBA and planning board	3 pages
#4	2001	12/24/2001	Change term of office town clerk from 2-4 years	3 pages
#1	2002	5/3/2002	Sewer Use Law	3 pages
#2	2002	5/20/2002	Home Improvement Exemption to Lower Property taxes (HELP)	6 pages
#1	2003	5/15/2003	Dog Control Law	5 pages
#2	2003	5/15/2003	Firefighter/ambulance tax reduction	5 pages
#3	2003	6/16/2003	Amend subdivision regulations standards for road design	3 pages
#4	2003	8/19/2003	Change duties ZBA/Planning in Land use & control regulations book	5 pages
#1	2004	4/12/2004	Providing for the admin. and enforcement for the NYS fire prevention	3 pages
#2	2004	11/12/2004	Imposes a surcharge pursuant to vehicle & traffic law Section 1809-D	5 pages
#1	2006	5/12/2006	Establishes the Cyber Security Citizen's Notification Policy	3 pages
#1	2006	proposed	Change Oswego Town Highway Dept. to Dept. of Public Works	

#1	2007	2/12/2007	Dog Control Law amending LL 1-2003	3 pages
#2	2007	5/14/2007	NYS Bldg & Code supercede LL 1-2004	17 pages