

Local Law Filing

New York State Department of State
99 Washington Avenue, Albany, NY 12231

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

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

County
City
Town of Bethany
Village

FILED
STATE RECORDS
JUN 08 2021

DEPARTMENT OF STATE

Local Law No. 1 of the year 2021

A local law entitled, "Solar Panel Energy Conversion Installations".

Be it enacted by the Town Board of the

County
City of Bethany as follows:
Town
Village

As set forth in the attached page(s).

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

(1)

**TOWN OF BETHANY
LOCAL LAW NO. 1 OF THE YEAR 2021**

A Proposed Local Law Entitled "Solar Panel Energy Conversion Installations"

SECTION I. TITLE

This Local Law shall be known as "Solar Energy Conversion Installations."

SECTION II. ENACTMENT

The Town Board of the Town of Bethany hereby adopts the following changes to the Town of Bethany Zoning Law as follows:

A. Applicability

1. The requirements of this section shall apply to all Solar Panel Energy Conversion Installations proposed, modified, or constructed after the effective date of this local law.

2. Solar Panel Energy Conversion Installations for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this local law shall not be required to meet the requirements of this local law; provided, however, that:

a. Any Solar Panel Energy Conversion Installation which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this local law prior to recommencing production of energy.

b. No modification or alterations to an existing Solar Panel Energy Conversion Installation shall be allowed without full compliance with this local law.

c. Repairs to existing Solar Panel Energy Conversion Installation shall not be required to be brought into full compliance with this local law.

ARTICLE I- TOWN ZONING LAW

Add:

Section 106

B. Definitions

1. Tier I- The intent of Tier I shall be for onsite use of electrical power produced by solar panels for residential and/or business use with minimal additional quantities being transferred to the general electrical grid

2. Tier II The intent of Tier II shall be to generate power for the general electrical grid. Sites with an additional component of Tier I to support a residence and/or business use shall be deemed a Tier II installations.

3. Tier III- The intent of Tier III shall be to generate power for the general electrical grid at large scale.

4. Energy Storage Device- A device that reserves energy for later consumption that is charged by a connected solar system. The stored electricity is consumed after sundown, during energy demand peaks, or during a power outage.

ARTICLE VI- TOWN ZONING LAW

Add:

Section 614 Solar Panel Energy Conversion Installations

C. Permits

1. No Solar Panel Energy Conversion Installation shall be constructed, reconstructed, modified, or operated in the Town of Bethany except in compliance with this Zoning Law.

2. No Solar Panel Energy Conversion Installations shall be constructed, reconstructed, modified, or operated in the Town of Bethany unless in conformity with these regulations and after the issuance of a special use permit pursuant to this Zoning Law.

3. Energy Storage Devices shall be prohibited in all areas of the Town of Bethany.

a. Exception

1. Energy Storage Devices shall be permissible in Tier I applications provided they are installed in compliance with the most recent version of the New York State Building Code and most current version of the National Fire Protection Association (NFPA) and, National Electric Code (NEC) even if not yet adopted by the New York State Building Code.

4. These regulations shall apply to all areas of the Town of Bethany.

5. Exemptions:

a. No special use permit or other approvals shall be required under this Zoning Law for Solar Panel Energy Conversion Installations in a Tier I application.

6. Transfer. No transfer of any Solar Panel Energy Conversion Installation, (excluding Tier I Solar Energy Conversion Systems), or special use permit, nor sale of the entity owning such facility including the sale of more than thirty percent (30%) of the stock of such entity more than (not counting sale of shares on a public exchange), shall occur without prior approval of the Town Board, which approval shall be granted upon (1) receipt of proof of the ability of the successor to meet all requirements of this Zoning Law and (2) written acceptance of the transferee of the obligations of the transferee of the obligations of the transferor under this Zoning Law and (3) proof of decommissioning bond validity. No transfer shall eliminate the liability of an applicant or of any other party under this Zoning Law.

D. Applications- Applications for Solar Panel Energy Conversion Installations special use permit shall include:

1. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant is required.

2. Name, address, telephone number of the property owner, if the property owner is not the applicant, the application shall include a letter of other written permission signed by the property owner:

a. Confirming that the property owner is familiar with the proposed application(s); and

b. Authorizing the submission of the application.

3. Only one address per application including tax map section, block, lot number and Town taxing land valuation designation.

4. Evidence that the proposed design does not exceed the maximum acreage coverage and percent lot coverage proposed.

5. A stamped, engineered drawing of the electrical installation in sufficient detail to allow for a determination that the manner of installation conforms to the Electrical and Building code and setbacks of the Zoning Code.

a. Exemption- Tier I installations shall only require a line drawing of electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electrical and Building code.

6. Written evidence that the electric utility service provider that serves the site has been informed of the applicant's intent to install an interconnected electricity generation system, unless the applicant does not plan an so states in the application, to connect to the system to the electrical grid.

7. A visual analysis of the Solar Panel Energy Conversion Installation as installed, which may include computerized photographic simulations, demonstrating the visual impacts from nearby locations including but not limited to the adjacent road(s) or properties. The visual analysis shall also indicate the color treatment of the screening materials intended to lessen the installation's visual impact.

E. Development Standards- All Solar Panel Energy Conversion Installations shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Zoning Law that are not in conflict with the requirements contained in this section.

1. Tier I- Onsite use of the power produced by solar panels:

a. R District- Installations up to 1,500 SF of panel(s). Panels can only be located on a structure, the structure primary purpose cannot solely of said structure to support solar panels. Panels may not exceed height limits as defined by the New York State Building code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. No ground mounted panels shall be permitted in the R District.

b. AR District- Installations up to 1,500 SF of panels. Panels may be ground mounted or structure mounted. Ground mounted panels shall be limited to 15 feet above the existing adjacent grade. Structure mounted panels may not exceed height limits as defined by the New York State Building code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. Structure mounted panels shall not encroach into setbacks greater than structure. Ground mounted panel setbacks shall be two times that of structure setbacks.

c. C District- same as AR District

d. I District- same as AR District

2. Tier II- Solar Power Production for the Grid up to 30 acres

a. R District- Prohibited

b. AR District- Installations up to the maximum lot area coverage as provided in other sections of the zoning code for this district. Panels may be ground mounted or structure mounted. Ground mounted panels may only be 15 feet above existing adjacent grade. Structure mounted panels may not exceed height limits as defined by the New York State Building code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. Structure mounted panels shall not encroach into setbacks greater than structure. Ground mounted panel setbacks shall be two times that of structure setbacks in the specific District zoning classification.

1. Panel installations shall be prohibited in classifications "prime site" (construction lot), "A tillable" farmland, "woods" and "wetlands" as identified in Town of Bethany tax records as dated May 1, 2020.
2. Panel installations shall be restricted to 50% of lot coverage area in classifications "undeveloped" (construction lot), "B tillable" farmland as identified in Town of Bethany tax records as dated May 1, 2020.
3. Panel installations shall be allowed in classifications "C tillable" farmland, "pasture" and "waste" lands as identified in Town of Bethany tax records as dated May 1, 2020.

4. Lots shall not be divided for the purpose of panel installations. Lots separated/merged shall be prohibited from Tier II panel installations for 7 years from date of last separation.
5. Panel installation shall be provided with buffers restricting views from adjacent Town roads.
6. Panel installations shall be provided with buffers restricting views from adjacent properties. Views shall be taken from first story elevations.

c. C District- same as AR District

d. I District- same as AR District

3. Tier III- Utility Scale Solar Panel Installations

a. R District- Prohibited

b. AR District- We will allow up to the maximum lot area coverage as provided in other sections of the zoning code for this district. Panels may be ground mounted or structure mounted. Ground mounted panels may only be 15 feet above existing adjacent grade. Structure mounted panels may not exceed height limits as defined by the New York State Building Code at time of installation or may not exceed 5 feet over existing structure height, whichever is less. Structure mounted panels shall not encroach into setbacks greater than structure. Ground mounted panel installations setbacks shall be two times that of structure setbacks in the specific District zoning classification.

1. Panel installations shall be prohibited in classifications "prime site" (construction lot), "A tillable" farmland, "woods" and "wetlands" as identified in Town of Bethany tax records as dated May 1, 2020.
2. Panel installations shall be restricted to 50% of lot coverage area in classifications "underdeveloped" (construction lot), "B tillable" farmland as identified in Town of Bethany tax records as dated May 1, 2020.
3. Panel installations shall be allowed in classifications "C tillable" farmland, "pasture" and "waste" lands as identified in Town of Bethany tax records as dated May 1, 2020.
4. Lots shall not be divided for the purpose of panel installations. Lots separated/merged shall be prohibited from tier II panel installations for 7 years from date of separation.
5. Panel installations shall be provided with buffers restricting view from adjacent Town roads.
6. Panel installations shall be provided with buffers restricting view from adjacent properties. View shall be taken from first story elevations.

c. C District- same as AR District

d. I District- same as AR District

F. **Abandonment of Use-** A Solar Panel Energy Conversion Installation which is not used for twelve (12) successive months shall be deemed abandoned and shall be repaired or dismantled and removed from the property within twelve (12) additional months at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any special use permit shall constitute grounds for the revocation of the permit by the Town of Bethany Town Board.

1. In the event the applicant fails to dismantle the Solar Panel Energy Conversion Installation, remove and restore the property to the condition prior to the installation and the Town commenced legal action to enforce the above paragraph, the applicant shall reimburse the Town for its reasonable attorney's fees and court costs and engineering costs and construction/demolition costs.

2. If all reasonable attorney's fees and court costs are not paid by the applicant, the same may be added to the tax bill for property special assessment jurisdiction.

G. **Maintenance and/or Performance Bond**

1. Prior to the approval of any application, the Town Board, at its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk a maintenance and/or performance bond or other form of security acceptable to the Town Attorney, in an amount sufficient to cover the installation, maintenance and/or construction of said Solar Panel Energy Conversion Installation during the lifetime and provide for its removal and restoration of the site to the pre-solar installation condition.

2. The amount required shall be determined in the sole discretion of the Town Board, in consultation with the Town's Engineer, based on the unique characteristics of the Solar Panel Energy Conversion Installation and the site location.

3. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Town Board in supplying all necessary construction and maintenance data to the Town Board prior to approval of any application to accomplish the foregoing.

H. All Solar Panel Energy Conversion Installations shall be maintained in good condition and in accordance with all requirements of this section.

I. **Variance-** The Zoning Board of Appeals, in accordance with its normal procedures, may grant variances for Solar Panel Energy Conversion Installations, but in no event shall the Zoning Board of Appeals grant variance allowing a larger Solar Panel Energy Conversion Installation than permitted by this section.

1. If a court competent jurisdiction (1) orders the Zoning Board of Appeals to consider a use variance for any Solar Panel Energy Conversion Installation, and such use variance is granted, (2) the prohibition on any Solar Panel Energy Conversion Installation, other than a Tier

I Solar Panel Energy Conversion Installation, is invalidated, no such Solar Panel Energy Conversion Installation shall be allowed, except upon issuance of a special use permit issued by the Town Board after a public hearing, which permit shall require a Decommissioning Plan and Removal and Restoration Bond, Host Agreement and shall comply with the setbacks listed applicable Tier designation of this section.

J. Fees

1. Non-refundable application fees shall be as follows:

- a. Tier I application fee of fifty (\$50.00) dollars.
- b. Tier II application fee of three hundred fifty (\$350.00) dollars plus one (\$1.00) dollar per one thousand (\$1,000.00) dollars construction and installation cost.
- c. Tier III application fee of three hundred fifty (\$350.00) dollars plus one (\$1.00) dollar per thousand (\$1,000.00) dollars construction and installation cost.
- d. The Fees established in this section may be changed by Town Board resolution, adopted after a duly-noticed public hearing

2. All legal and engineering expenses incurred by the Town for its out-of-pocket expenses in reviewing and processing an application, shall be paid for by the applicant, the Town may, in its discretion, require an escrow account be set up to ensure payment of these costs. Anticipated costs shall be determined in a good faith effort by the Town Board, Town Engineer and Town Building Department.

K. Enforcement: Penalties and Remedies for Violations

1. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this section.

2. Any person owning, controlling or managing any building, structure or land who shall undertake a Solar Panel Energy Conversion Installation in violation of this section or in noncompliance with the terms and conditions of any permit issued pursuant to this section or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than four hundred (\$400.00) dollars or imprisonment for a period of not more than six months (6) months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of four hundred (\$400.00) dollars for each violation and each week said violation continues shall be deemed a separate violation.

3. In case of any violation or threatened violation of any provisions of this local law. Including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful installation, structural alterations, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent legal action.

4. The penalties established by this section may be changed by the Town Board by resolution adopted after a duly-noticed public hearing.

SECTION III. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION IV. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law no. 1 of 2021 of the ~~(County)~~(City)(Town)(Village) of Bethany was duly passed by the Town Board on May 24, 2021 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, as was (approved)(not approved)(repassed after disapproval) by the _____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revisions proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of majority of the qualified elector of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as unit voting as said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, as was finally adopted in the manner indicated in paragraph 4, above.

(SEAL) Clerk


Clerk of the County legislative body, City, Town or Village

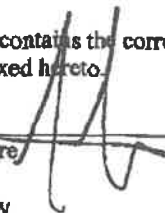
Date: 24 May 2021

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF GENESEE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature


Attorney
County
City of Bethany
Town
Village

Date:

(3)

6/2/21

ZONING SCHEDULE A

ALL ZONES (R, A, R, C & D)

ZONE	USE	REQUIRED ACTIONS					MINIMUM SETBACK REQUIREMENT (All Dimensions in Feet)					REFER TO ARTICLE,
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	FRONT	REAR	SIDES	HEIGHT			
A	SIGNS	SIZE DEPENDENT	SIZE DEPENDENT	N	SIZE DEPENDENT	10	10	10	ZONE DEPENDENT	ART VI, SEC 607		
A	ACCESSORY. BLDG ≤ 200 SQ.FT	ZONING PERMIT ONLY	N	N	N	NOT IN FRONT YARD	8	8	9	ART III, SEC 301,C,1		
A	ACCESSORY BLDG ≥ 201 SQ FT	Y	Y	N	YES EXCEPT FOR 2 FAMILY	NOT IN FRONT YARD	SAME AS PRINCIPAL BUILDING CRITERIA			ART III, SEC 301,C,1		
A	ACCESSORY STRUCTURE ≤ 15 FT.	Y	NYS CODE DEPENDENT	ZONE DEPENDENT	ZONE DEPENDENT	NOT IN FRONT YARD	15	15	≤ 15 FT	ART III, SEC 301,C,2		
A	ACCESSORY STRUCTURE > 15 FT.	Y	NYS CODE DEPENDENT	REQUIRED FOR NR USE	REQUIRED FOR NR USE	NOT IN FRONT YARD	SAME AS PRINCIPAL BUILDING CRITERIA	N/P	SAME AS PRINCIPAL BUILDING CRITERIA	ART III, SEC 301,C,2		
	POOLS ≥ 3000 GALLONS	Y	Y	REQUIRED FOR NR USE	REQUIRED FOR NR USE	NOT IN FRONT YARD	25	25	N/A	ART III, SEC 301,B,5		
<u>STABLING OF FARM ANIMALS NOT PERMITTED IN RESIDENTIAL ZONE</u>												
A	STABLING OF FARM ANIMALS	N	N	N	N	500 FT FROM R ZONE 100 FROM LOT CONTAINING A RESIDENCE			N/A	ART III, SEC 301,H		
	PONDS	Y	N	Y	Y	100	100	100	N/A	ART III, SEC 301,H		

ZONING SCHEDULE A

ALL ZONES (R-A-R-C & D)

ZONE	USE	REQUIRED ACTIONS				MINIMUM SETBACK REQUIREMENT (All Dimensions in Feet)				REFER TO ARTICLE,
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	FRONT	REAR	SIDES	HEIGHT	
A										
A	HOME OCCUPATION	Y	N	N	N	N/A	N/A	N/A	N/A	ART I, SEC 106 ART II, SEC 203 ART II, SEC 208.B.1,
A	TIER 1 SOLAR INSTALLATION	Y	Y	RESIDENTIAL & AG-NO NON RESIDENTIAL - YES	RESIDENTIAL & AG-NO NON RESIDENTIAL - YES	SET BACKS AND HEIGHTS ARE ZONE DEPENDENT				ARTICLE VI Section 614

NOTES:

ZONING SCHEDULE A AGRICULTURAL AND RESIDENTIAL (A-R)

ZONE	USE	REQUIRED ACTIONS				MIN. LOT SIZE AREA SQ. FT. AND BUILDING HEIGHT IN FT.				MIN. YARDS IN FEET				ARTICLE & SECTION
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MIN. LOT SIZE AREA SQ. FT.	MIN. LOT WIDTH FEET	MIN. LOT DEPTH FEET	MAX. COV ER %	FRONT	REAR	SIDE	HEIGHT	
A-R	Farms and all usual agricultural operations	Y	AS PER NYS CODES	N	N	80,000	200	200	115	85	50	35	35	
A-R	One (1) FAMILY Dwellings	Y	N	N	N	80,000	200	200	15	75	25	35	35	
A-R	Two (2) FAMILY Dwellings	Y	N	Y	Y	80,000	200	200	15	75	25	35	35	
A-R	Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses	Y	Y	Y	Y	80,000	200	200	15	85	50	35	35	
A-R	Single Mobile Homes	Y	Y	N	N	80,000	200	200	25	75	25	35	35	ART IV, SECT 401
A-R	Animal Waste Storage Facility	Y	Y	Y	Y	80,000	200	200	35	85	50	35	35	ART VI, SECT 608
A-R	Multi-family Dwellings	Y	Y	Y	Y	80,000	200	200	15	85	35	50	35	
A-R	Outdoor Recreation Facility	Y	Y	Y	Y	80,000	200	200	15	85	35	50	35	
A-R	Indoor Recreation Facility	Y	Y	Y	Y	80,000	200	200	15	85	35	50	35	
A-R	Club	Y	Y	Y	Y	80,000	200	200	15	85	35	50	35	
A-R	Airport Landing Strip	Y	Y	Y	Y	80,000	200	200	15	85	35	50	35	
A-R	Dog Kennel	Y	Y	Y	Y	80,000	200	200	15	85	35	50	35	

ZONING SCHEDULE A AGRICULTURAL AND RESIDENTIAL (A-R)

A-R	Motor Vehicle Repair Shop	Y	Y	Y	Y	Y	80,000	200	200	200	15	85	35	50	35	ART VI, SECT 605
A-R	Community Center	Y	Y	Y	Y	Y	80,000	200	200	200	15	85	35	50	35	
A-R	Animal Hospital	Y	Y	Y	Y	Y	80,000	200	200	200	15	85	35	50	35	
A-R	Mobile Home Park	Y	Y	Y	Y	Y	5 Acres 80,000	200	200	200	15	60 85	35	50	35	ART IV, SECT 402
A-R	Junkyard	Y	Y	Y	Y	Y	80,000	200	200	200	15	85	35	50	35	
A-R	Nursing Home	Y	Y	Y	Y	Y	80,000	200	200	200	15	85	35	50	35	
A-R	Small WECS	Y														
ARTICLE VI, SECTION 613																
A-R	Tier II Solar Energy Systems RESIDENTIAL	Y	Y	Y	Y	Y	80,000	200	200	200	25	150	50	70	35	Article VI Section 614
A-R	Tier II Solar Energy Systems NON-RESIDENTIAL	Y	Y	Y	Y	Y	80,000	200	200	200	15	170	70	80	35	Article VI Section 614
A-R	Tier III Solar Energy Systems RESIDENTIAL	Y	Y	Y	Y	Y	80,000	200	200	200	25	150	70	70	35	Article VI Section 614
A-R	Tier III Solar Energy Systems NON-RESIDENTIAL	Y	Y	Y	Y	Y	80,000	200	200	200	15	170	70	80	35	Article VI Section 614

ZONING SCHEDULE A FOR RESIDENTIAL (R) ZONE

ZONE	USE	REQUIRED ACTIONS				MIN. LOT SIZE AREA SQ. FT. AND BUILDING HEIGHT (IN FT.)				MIN. YARDS IN FEET				REFER TO ARTICLE/SECTI ON
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MINIMUM LOT SIZE AREA SQ. FT.	MINIMUM WIDTH FEET	MINIMUM LOT DEPTH FEET	MAXIMUM COVER %	FRONT	REAR	SIDE	HEIGHT	
R	1&2 Family DWELLING	Y	Y	N	N	30,000	150	200	35	75	25	35	35	
R	≥ 2 FAMILY DWELLING	Y	Y	N	Y	40,000 (plus 3,000 per additional unit over 2)	200	200	35	75	25	35	35	
R	Churches & Other Places of Worship	Y	Y	N	Y	40,000	200	200	25	85	35	40	35	
R	Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses	Y	Y	N	Y	40,000	200	200	25	85	35	40	35	
R	Farms and all usual agricultural operations (NOT STABLING OF FARM ANIMALS)	ZONING ONLY	N	N	N	40,000	200	200	35%- Residential 25%- Not Residential	85	35	40	35	

ZONING SCHEDULE A FOR RESIDENTIAL (R) ZONE

ZONE	USE	REQUIRED ACTIONS					MIN. LOT SIZE AREA SQ. FT. AND BUILDING HEIGHT (IN FT.)					MIN. YARDS IN FEET					REFER TO ARTICLE/SECT ON
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MINIMUM LOT SIZE AREA SQ. FT.	MINIMUM WIDTH FEET	MINIMUM LOT DEPTH FEET	MAXIMUM COVER %	FRONT	REAR	SIDE	HEIGHT				
R	Multi-family Dwellings	Y	Y	Y	Y	40,000 +	200	200	25	75	25	35	35				
R	Temporary Mobile Home Professional Offices	Y	Y	Y	Y	3,000 >2 units	150	200	25	75	25	35	35	ART IV, SECT 401,B			
R	Community Center	Y	Y	Y	Y	40,000	200	200	25	85	35	40	35				
R	Nursing Home	Y	Y	Y	Y	40,000	200	200	25	85	35	40	35				
R	Commercial greenhouse	Y	Y	Y	Y	40,000	200	200	25	85	35	40	35				
R	Child Day Care Center	Y	Y	Y	Y	40,000	200	20	25	40	35	35	25				
R	Adult Day Care Center	Y	Y	Y	Y	40,000	200	20	25	40	35	35	25				
R	Bed & Breakfast	Y	Y	Y	Y	40,000	200	20	25	40	35	35	25				
R	Small WECS	Y												ARTICLE VI, SECTION 613			
A-R	Tier II Solar Energy Systems RESIDENTIAL, Tier II Solar Energy Systems	Y	Y	Y	Y	80,000	200	200	25	150	50	70	35	Article VI, Section 614			
A-R	Tier II Solar Energy Systems	Y	Y	Y	Y	80,000	200	200	15	170	70	80	35	Article VI, Section 614			

SEE VI, 613

ZONING SCHEDULE A FOR RESIDENTIAL (R) ZONE

ZONE	USE	REQUIRED ACTIONS				MIN. LOT SIZE AREA SQ. FT. AND BUILDING HEIGHT (IN FT.)				MIN. YARDS IN FEET				REFER TO ARTICLE/SECTI ON
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MINIMUM LOT SIZE AREA SQ. FT.	MINIMUM WIDTH FEET	MINIMUM LOT DEPTH FEET	MAXIMUM COVER %	FRONT	REAR	SIDE	HEIGHT	
A-R	Tier III Solar Energy Systems RESIDENTIAL	Y	Y	Y	Y	80,000	200	200	25	150	50	70	35	Article VI Section 614
A-R	Tier III Solar Energy Systems NON RESIDENTIAL	Y	Y	Y	Y	80,000	200	200	15	170	70	80	35	Article VI Section 614

ZONING SCHEDULE A

COMMERCIAL (C)

ZONE	USE	REQUIRED ACTIONS				MIN LOT SIZES					SETBACKS				REFER TO ARTICLE
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MIN AREA	MIN FRONT	MAX COVER %	BUFFER ZONE	FRONT	SIDE	REAR	HEIGHT		
C	RETAIL USE AND SERVICE	Y	Y	N	Y	30,000	200	30	Y	80	40	35	35		
C	RESTAURANT	Y	Y	N	Y	30,000	200	30	Y	80	40	35	35	ART VI, 601, D	
C	MOTEL	Y	Y	N	Y	30,000	200	30	Y	80	40	35	35	ART VI, SEC 601, B	
C	COMMERCIAL GREENHOUSE	Y	Y	N	Y	30,000	200	30	Y	80	40	35	35		
C	PROFESSIONAL OFFICES	Y	Y	N	Y	30,000	200	30	Y	80	40	35	35	ART VI, 601, D	
C	Drive in business	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	ART VI, SECT 605	
C	Motor Vehicle Repair Shop	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	ART VI, SECT 605	
C	Gasoline Station	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	ART VI, SECT 605	
C	Gasoline Station-Market	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	ART VI, SECT 605	
C	Indoor Recreation Facility	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35		
C	Light Industry Limited to Assembly Operations & Warehousing	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35		
C	Motor Vehicle Sales	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35		

ZONING SCHEDULE A

COMMERCIAL (C)

ZONE	USE	REQUIRED ACTIONS				MIN LOT SIZES				SETBACKS				REFER TO ARTICLE
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MIN AREA	MIN FRONT	MAX COVER %	BUFB ZONE	FRONT	SIDE	REAR	HEIG	
C	Recreational Vehicle & Mobile Home Sales & Service	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	
C	Child Day Care Center	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	
C	Adult Business	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	ART VI, SECT 610
C	Commercial Communication Tower	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	ART VI, SECT 612
C	Small WECS	Y	Y	Y	Y	30,000	200	30	Y	80	40	35	35	ART VI, SECT 613
C	Tier II Solar Energy Systems	Y	Y	Y	Y	30,000	200	30	Y	160	80	70	35	Article VI Section 614
C	Tier III Solar Energy Systems	Y	Y	Y	Y	30,000	200	30	Y	160	80	70	35	Article VI Section 614

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ZONING SCHEDULE A

INDUSTRIAL (1)

ZONE	USE	REQUIRED ACTIONS					MINIMUM LOT SIZES					SETBACKS				ART VI SECT 6
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MIN AREA	MIN FRONT	MAX COVER %	BUFFER	FRONT	SIDE	REAR	HEIGHT			
I	Manufacturing Industries	Y	Y	N	Y	80,000	200	40	Y	80	50	40	45	ART VI SECT 6		
I	Warehouse or Wholesale Use	Y	Y	N	Y	80,000	200	40	Y	80	50	40	45			
I	Public Utility	Y	Y	N	Y	80,000	200	40	Y	80	50	40	45			
I	Machinery and Transportation Equipment, Sales, Service and Repair	Y	Y	N	Y	80,000	200	40	Y	80	50	40	45			
I	Freight and/or trucking terminal	Y	Y	N	Y	80,000	200	40	Y	80	50	40	45			
I	Contractor's Yard	Y	Y	N	Y	80,000	200	40	Y	80	50	40	45			
I	Motor Vehicle Repair Shop	Y	Y	N	Y	80,000	200	40	Y	80	50	40	45			
I	Junkyards	Y	Y	Y	Y	80,000	200	40	Y	80	50	40	45			
I	Adult Business	Y	Y	Y	Y	80,000	200	40	Y	80	50	40	45			
I	Municipal Solid Waste Processing Facility	Y	Y	Y	Y	80,000	200	40	Y	80	50	40	45			
I	Commercial Communication Tower	Y	Y	Y	Y	80,000	200	40	Y	80	50	40	45	ART VI SECT 611		
I	Indoor Recreation Facility	Y	Y	Y	Y	80,000	200	40	Y	80	50	40	45	ART VI SECT 612		

ZONING SCHEDULE A

INDUSTRIAL (I)

ZONE	USE	REQUIRED ACTIONS				MINIMUM LOT SIZES				SETBACKS				ART VI, SECT 6
		ZONING PERMIT	BUILDING PERMIT	SPECIAL USE PERMIT	SITE PLAN	MIN AREA	MIN FRONT	MAX COVER %	BUFFER	FRONT	SIDE	REAR	HEIGHT	
I	Outdoor Recreation Facility	Y	Y	Y	Y	80,000	200	40	Y	80	50	40	45	
I	Small WECS	Y	Y	Y	Y	80,000	200	40	Y	80	50	40	45	ART VI SECT 613
I	Tier II Solar Energy Systems	Y	Y	Y	Y	80,000	200	40	Y	160	100	80	45	Article VI Section 614
I	Tier III Solar Energy Systems	Y	Y	Y	Y	80,000	200	40	Y	160	100	80	45	Article VI Section 614

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