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Town of Fenton

Introductory Local Law No. 10 of the year 2025

A local law to amend Section 150, Article III, of the Town of Fenton Code to permit Small-Scale Solar Energy Systems and Large-Scale Solar Energy Systems in specific property districts.

Be it enacted by the Town Board of the Town of Fenton as follows:

Section 1. The following Chapter 150, Article III, of the Town of Fenton Code shall be amended as follows:

Chapter 150. Zoning

Article III. District Regulations

§ 150-10. Residential-A District (R-A).

Those areas designated on the Town of Fenton Zoning Map as "Residential-A Districts" shall be used and improved only as permitted by this section.

A. Permitted uses shall be as follows:

- (1) One- and two-family dwellings, including factory manufactured homes (modular homes).
[Amended 6-4-2014 by L.L. No. 5-2014]
- (2) Places of religious worship, parish houses and convents, subject to the provisions of § [150-47](#) of this chapter.
- (3) Public schools, subject to the provisions of § [150-47](#) of this chapter.
[Amended 11-18-2008 by L.L. No. 6-2008]

[\(3.1\)](#) Private schools, but only upon the issuance of a special permit by the Town Board of the Town of Fenton, which special permit may be denied upon a finding by the Town Board that the issuance of such a special permit may be detrimental to the health, welfare or safety of Town residents, taking into account the nature of the proposed use and the current state of development of private schools within the Residential-A and Residential-B Zoning Districts. Upon the granting of such a special permit,

further development shall be subject to the provisions of § [150-47](#) of this chapter. [Added 11-18-2008 by L.L. No. 6-2008]

- (4) Public parks and recreation areas not conducted for profit.
- (5) Temporary structures incidental to the development of land or the erection of a permanent structure.
- (6) Electrical distribution substations and other public utility structures, subject to the provisions of § [150-47](#) of this chapter.
- (7) Any accessory use or building customarily incidental to a permitted use when located on the same lot; and further provided that no garage or storage building shall be permitted, whether or not attached to the principal structure, incorporating a door of more than 10 feet in height or containing a first floor area in excess of 1,200 square feet, except upon compliance with provisions of § 150-47A of this chapter.
[Amended 5-3-1989 by L.L. No. 4-1989; 7-1-1992 by L.L. No. 2-1992; 5-11-2016 by L.L. No. 42016]
- (8) Home occupations and offices for the practice of licensed professions, except veterinary medicine, provided that:
 - a) No such use shall occupy more than one-half (1/2) of the gross floor area of one floor of the principal building.
 - b) No outdoor evidence of any such occupation shall be evident, except one unlighted announcement or professional sign not exceeding two square feet in area.

- c) The person owning the business lives on the premises.
 - d) Not more than two other persons, whether professional or other persons, are employed therein.
 - e) Off-street parking is provided, as prescribed by § [150-38](#) of this chapter.
- (9) Nursing and convalescent homes, subject to the provisions of § [150-47](#) of this chapter.
- [\(9.1\)](#) Elderly housing, subject to the provisions of § [150-47](#) of this chapter.
[Added 11-18-2008 by L.L. No. 6-2008]
- (10) An accessory building designated for storage of commercial vehicles, but only upon compliance with and subject to the restrictions of § [150-47A](#) and [I](#) of this chapter.
[Added 7-1-1992 by L.L. No. 2-1992]
- (11) Small-Scale Solar Energy Systems.
- (12) Large-Scale Solar Energy Systems.

B. Lot limitations and yard requirements shall be as follows:

(1) Minimum lot area:

- (a) If served by public sanitary sewer: 8,000 square feet.
 - (b) If not served by public sanitary sewer: one acre, in which case the provisions of § 150-47 shall not apply. For lots smaller than one acre in size, the provisions of § [150-47](#) shall apply.
[Amended 5-11-2016 by L.L. No. 4-2016]
- (2) Minimum lot frontage shall be 70 feet, or 70 feet measured at the front building line, provided that such lot has a minimum width of 50 feet at the front lot line.
- (3) Minimum lot depth in feet:
- (a) If served by public sanitary sewers: 110 feet.
 - (b) If not served by public sanitary sewers: 150 feet.

(4) Maximum percentage of lot coverage:

- (a) Principal building, dwelling: 30%.
- (b) Principal building, other than a dwelling: 50%.
- (c) Accessory building: 10%.

(5) Minimum distance from the lot line to principal building lines:

- (a)** Front yard: 35 feet or the average distance of lawfully located dwellings within 150 feet of the subject property on the same street, whichever is less.

(b) Side yard:

- [1] Dwelling: eight feet.
- [2] Principal building permitted in Subsections [A\(2\)](#), [\(3\)](#) and [\(6\)](#) of this section: 20 feet.
- [3] Corner lot side yard: the same distance from the street as required for the front yard.

(c) Rear yard: 25 feet.

- (d)** Front, side and rear yards. For each one foot that a permitted building exceeds 35 feet in height, the depth of front, side and rear yards shall be increased by one foot (see maximum height limitations of Subsection [C](#) of this section).

(6) Minimum distance from accessory building to:

- (a) Principal building: 10 feet.
- (b) Front lot line: 35 feet.

(c) Side lot line: five feet, except that on a corner lot, the side yard adjacent to the street shall be not less than the depth required for a front yard on that street.

(d) Rear lot line: five feet.

C. Building height limitations shall be as follows:

(1) Principal building:

(a) Dwelling: 35 feet.

(b) Principal building, other than dwelling: 45 feet.

(2) Accessory building: 32 feet.

[Amended 5-11-2016 by L.L. No. 4-2016]

D. Off-street parking and loading requirements are as follows (see § [150-38](#), off-street parking and loading).

(1) Parking.

Use	Spaces required
One- and two-family dwellings	1 for each dwelling unit
Churches or places of worship	1 for each 10 seats in sanctuary
Schools	2 for each 3 full-time employees on premises at 1 time
Nursing and convalescent homes	1 for each bed
Professional offices and home occupations	3 for each person employed therein

(2) Off-street loading areas.

Use	Loading Area Required
School, nursing or convalescent home	1 for each building

E. Replacement of accessory buildings. Area requirements may be waived in connection with the replacement of accessory buildings, under certain circumstances, when such buildings are destroyed by natural disasters, fires, and similar occurrences as determined by the Building Inspector. Under such circumstances the Building Inspector may, in his discretion, waive applicable area requirements, provided that the replacement structure has the same footprint and height, and is similar or superior aesthetically, to the building to be replaced. Any such waiver shall be memorialized in writing and maintained in the Building Inspector's file pertaining to the property and construction.

[Added 2-3-2021 by L.L. No. 2-2021]

§ 150-11. Residential-B District (R-B).

[Added 11-7-1984 by L.L. No. 1-1984]

Those areas designated on the Town of Fenton Zoning Map as Residential-B Districts shall be used and improved only as permitted by this section.

- A. Permitted uses. Uses are as permitted in the R-A District (see Subsection A of § [150-10](#)), except Large-Scale Solar Energy Systems which shall not be permitted.
- B. Lot limitations and yard requirements. Lot limitations and yard requirements are as set forth in the R-A District (see Subsection B of § [150-10](#)).
- C. Building height limitations. Building height limitations are as set forth in the R-A District (see Subsection C of § [150-10](#)).
- D. Off-street parking and loading. Off-street parking and loading requirements are as set forth in the R-A District (see Subsection D of § [150-10](#)).

E. Prohibited uses. No lot within the Residential-B District may be used or occupied and no structure, accessory building or structure may be erected, altered or used for the raising or harboring of cattle, horses, mules, jackasses, ponies, pigs, hogs, goats, swine, chickens, sheep, geese, pigeons or other fowl.

§ 150-12. Residential-Multiple Districts (R-M).

Those areas designated on the Town of Fenton Zoning Map as Residential-M Districts (R-M) shall be used and improved only as permitted by this section.

A. Permitted uses are as follows:

- (1) Uses permitted in the R-A District (see Subsection A of § 150-10).
- (2) Multiple family dwellings with accessory uses and buildings, provided that not more than one multiple residential structure or a single structure containing in excess of six dwelling units shall be erected on any lot, except pursuant to the provisions of § 150-47 of this chapter.
- (3) Boardinghouses.
- (4) Small-Scale Solar Energy Systems.

B. Lot limitations and yard requirements are as follows:

(1) Minimum lot area:

- (a) If served by public sanitary sewer: 8,800 square feet for one- or two-family dwellings; 12,000 square feet for multiple dwelling units.
- (b) If not served by public sanitary sewer: one acre, in which case the provisions of § 150-47 shall not apply. For lots smaller than one acre in size, the provisions of § 150-47 shall apply.
[Amended 5-11-2016 by L.L. No. 4-2016]

(2) Minimum lot frontage:

- (a) If served by public sanitary sewers: 80 feet.
- (b) If not served by public sanitary sewers: 100 feet.

(3) Minimum lot depth in feet:

- (a) If served by public sanitary sewers: 110 feet.
- (b) If not served by public sanitary sewers: 150 feet.

(4) Maximum percentage of lot coverage:

- (a) Principal building, dwelling: 30%.
- (b) Principal building, other than a dwelling: 50%.
- (c) Accessory building: 10%.

(5) Minimum distance from lot line to principal building line:

- (a) Front yard: 35 feet.
- (b) Each side yard: 10 feet, provided that on a corner lot the side yard shall be the same distance from the street as a front yard.
- (c) Rear yard: 30 feet.

(6) Minimum distances for accessory buildings: same as for R-A district (see Subsection B(6) of § 150-10).

C. Building height limitations are as follows:

- (1) Principal building: 45 feet.
- (2) Accessory building: 32 feet.
[Amended 5-11-2016 by L.L. No. 4-2016]

D. Off-street parking and loading requirements are as follows (see § [150-38](#), Off-street parking and loading):

- (1) Parking.

Use	Spaces required
R-A District uses	As specified in § 150-10D
Multiple dwellings	1 1/2 for each dwelling unit

- (2) Off-street loading areas shall be as specified for R-A District (see Subsection D of § [150-10](#)).

§ 150-13. Neighborhood Commercial District (C-N).

Those areas designated on the Town of Fenton Zoning Map as Neighborhood Commercial Districts (C-N) shall be used and improved only as permitted by this section.

A. Permitted uses are as follows:

- (1) Multiple residential dwellings, subject to the regulations and conditions applicable thereto in the R-M District.
- (2) Uses permitted by Subsection A of § [150-10](#), except those specified in Subsections [A\(1\)](#) and [\(5\)](#).
- (3) Business and professional offices.
- (4) Hospitals and medical centers.
- (5) Retailing, including stores for sale of food, drugs, hardware, clothing, notions, tobacco, periodicals, candy and liquor; shops for sale of services, including barbershops, beauty shops, shoe repair shops, tailor shops, laundromats and laundry/dry-cleaning collecting and pick up stations, provided that uses permitted in this subsection shall be subject to the following conditions:
 - (a) All retail and service establishments shall deal directly with the consumer.
 - (b) Such retail and service uses and any storage incidental thereto shall be conducted primarily within an enclosed building.
 - (c) No fabricating, manufacturing, converting, finishing, altering or assembly shall be conducted, except as incidental to the primary use, and all products produced shall be sold at retail on the premises where produced.
 - (d) No operation shall be conducted which will be offensive, obnoxious or detrimental to adjoining or nearby property because of noise, dust, odor, fumes, vibration or other objectionable conditions.
 - (e) The provisions of this subsection shall not be interpreted as permitting the use of coin-operated games, including video games, pinball machines or other electronic or mechanical games, as accessory uses to a retail operation, except as follows:
[Added 8-4-1982 by L.L. No. 3-1982; amended 10-13-1982 by L.L. No. 4-1982; 11-5-2014 by L.L. No. 8-2014]
 - [1] Not more than two such games shall be permitted as accessory uses to a permitted principal use; and
 - [2] Such games as were in place on August 4, 1982, may continue to be used on the same premises as long as they are operable, without any privilege of substitution or replacement.

- (6) Restaurants and lunch counters, subject to the provisions of § [150-47](#), provided that curbside and parking lot service of food shall not be permitted.
 - (7) Funeral homes, subject to the provisions of § [150-47](#).
 - (8) Clubhouses for federally tax-exempt fraternal, civic and recreational organizations.
 - (9) Gasoline service stations, subject to the provisions of § [150-47](#).
 - (10) One- and two-family dwellings, including modular homes.
[Amended 6-6-2007 by L.L. No. 6-2007]
 - (11) Any enclosed accessory use or building customarily incidental to a permitted use when located on the same lot.
 - (12) Electrical distribution substations and other public utility substations, subject to the provisions of § [150-47](#).
 - (13) Arcades, subject to the provisions of § [150-47](#). There shall be no set limit on the number of games, but the Planning Board shall establish the maximum number of games to be allowed in connection if and when it grants site plan approval pursuant to § [150-47](#).
[Added 11-5-2014 by L.L. No. 8-2014]
 - (14) Small-Scale Solar Energy Systems.
- B. Lot limitations and yard requirements are as required for the R-A District (see Subsection [B](#) of § [150-10](#)).
- C. Building height limitations are as required for the R-M District (see Subsection [C](#) of § [150-11](#)).
- D. Off-street parking and loading requirements are as follows (see also § [150-38](#), Off-street parking and loading):

[\(1\)](#) Parking.

Use	Spaces Required
Residential	1 1/2 for each dwelling unit
Retail, service or other business	1 for each 125 square feet of gross floor area
Hospital	3 for each bed
Restaurant or lunch counter	1 for each 100 square feet of gross floor area

[\(2\)](#) Off-street loading areas.

Use	Loading Area Required
Retail, service or other business	1 for each 2,500 square feet of gross floor area or fraction thereof
Hospital	1 for each such use

§ 150-14. General Commercial District (C-G).

Those areas designated on the Town of Fenton Zoning Map as General Commercial Districts (C-G) shall be used and improved only as permitted by this section.

[A.](#) Permitted uses are as follows:

- (1) Electrical distribution substations or other public utility structures, subject to the special approval procedure of § [150-47](#).
- (2) Uses permitted in § [150-13A\(5\)](#), [\(7\)](#), [\(8\)](#) and [\(9\)](#).
- (3) Appliance sales and service, furniture, shoe, department and specialty stores.

- (4) Hotels or motels.
 - (5) Theaters, bowling alleys or other indoor recreational facilities, including, but not limited to, centers for use of coin-operated games, including video games, pinball machines and other electronic and mechanical games the use of which is subject to purchase, whether as a principal or accessory use.
[Amended 8-4-1982 by L.L. No. 3-1982; 10-13-1982 by L.L. No. 4-1982]
 - (6) Offices.
 - (7) Sales of automobiles, trucks, manufactured homes, and related vehicles, equipment sales, repair and service shops, subject to the provisions of § [150-47](#).
[Amended 10-1-1997 by L.L. No. 5-1997; 2-6-2008 by L.L. No. 1-2008; 6-4-2014 by L.L. No. 52014]
 - (8) Machinery and equipment sales, fabricating and assembly, subject to the provisions of § [150-47](#).
[Amended 1-3-1980 by L.L. No. 1-1980]
 - (9) Animal hospitals and kennels, subject to the provisions of § [150-47](#).
 - (10) Drive-in theaters, subject to the provisions of § [150-47](#).
 - (11) Any accessory use or building customarily incidental to a permitted use, provided that all materials that will adversely affect the health, welfare or safety of the public shall be stored in an enclosed structure.
[Amended 2-6-2008 by L.L. No. 1-2008]
 - (12) Restaurants, including drive-in food service.
 - (13) Places of religious worship, parish houses and convents, subject to the provisions of § [150-47](#) of this chapter.
[Added 12-2-2009 by L.L. No. 4-2009]
 - (14) Self-storage facilities subject to the provisions of § [150-47A](#) of the Town Code.
[Added 3-29-2023 by L.L. No. 3-2023]
 - (15) Small-Scale Solar Energy Systems.
- B. Lot limitations and yard requirements are as required for the R-A District (see Subsection [B](#) of § [150-10](#), except that the maximum lot coverage of permitted buildings shall not exceed 80%; see also provisions of § [150-27](#)).
 - C. Building height limitations are as required for the R-M District (see Subsection [C](#) of § [150-11](#)).
 - D. Off-street parking and loading are as required for the C-N District (see Subsection [D](#) of § [150-12](#)), as well as the following:
 - (1) Parking.

Use	Spaces Required
C-N District uses	As provided in § 150-12D
Hotels and motels	1 for each rental unit
Theaters, stadiums or assembly halls	1 for every 5 persons to be accommodated at 1 time
Offices	1 for each 250 square feet of gross floor area

- (2) Off-street loading areas.

Use	Area Required
C-N District uses	As provided in § 150-12D
Hotels and motels	1 for 5,000 square feet of gross floor area or fraction thereof

Use	Area Required
Auditoriums, theaters, stadiums and offices	1 for each structure

§ 150-15. Limited Industrial District (I-L).

Those areas designated on the Town of Fenton Zoning Map as Limited Industrial districts (I-L) shall be used and improved only as permitted by this section, and each use or improvement, except agriculture, shall be subject to compliance with the provisions of § [150-47](#).

A. Permitted uses are as follows:

- (1) Agriculture.
- (2) Laboratories and research institutes.
- (3) Blueprinting, photocopying, printing and publishing businesses.
- (4) Laundries, dyeing and dry-cleaning plants.
- (5) Warehouses; wholesale businesses.
- (6) Truck and freight terminals.
- (7) Gasoline service stations.
- (8) Sales of automobiles, trucks, manufactured homes, and related vehicles, equipment sales, repair and service shops, subject to the provisions of § [150-47](#).
[Amended 2-6-2008 by L.L. No. 1-2008; 6-4-2014 by L.L. No. 5-2014]
- (9) Other uses of a light manufacturing nature, reasonably free from odor, air pollutants, dust, dirt, vibration, noise and conditions which may create an unusual fire or explosion hazard.
- (10) Electrical distribution substations and other public utility structures.
- (11) Any accessory use or building customarily incidental to a permitted use when located on the same lot, provided that all equipment and materials are stored in an enclosed structure.
- (12) Restaurants and lunch counters, subject to the provisions of § [150-47](#), provided that regular curbside and parking lot service of food shall not be permitted.
[Added 10-1-2003 by L.L. No. 4-2003]
- (13) Small-Scale Solar Energy Systems.
- (14) Large-Scale Solar Energy Systems.

B. Lot limitations and yard requirements are as required for the R-A District. (See Subsection B of § [150-10](#), except that the maximum lot coverage of permitted buildings shall be limited to 80%; see also § [150-27](#).)

C. Building height limitations are as required for the R-M District. (See Subsection C of § [150-11](#).)

D. Off-street parking and loading are as required for the C-N District (See Subsection D of § [150-12](#).), as well as the following:

- (1) Parking.

Use	Spaces Required
Warehouse or wholesale business	1 for each 500 square feet of gross floor area
Manufacturing, processing and other permitted uses	1 for each 250 square feet of gross floor area

- (2) Off-street loading areas.

Use	Area Required
Wholesale or warehouse business	1 for each 10,000 square feet of gross floor area or fraction thereof
Manufacturing, processing and other permitted uses	1 for the first 10,000 square feet of gross floor area or fraction thereof; 1 additional for each 5,000 square feet thereafter.

§ 150-15A. Restricted Commercial (R-C).

A. [Added 2-6-2019 by L.L. No. 3-2019] Those areas designated on the Town of Fenton Zoning Map as Restricted Commercial (R-C) shall be used and improved only as permitted by this section. Each use or improvement shall be allowed subject to a special use permit by the Town Board of the Town of Fenton in accordance with § [150-47.1](#). Permitted uses are as follows:

- (1) Warehousing.
 - (2) Public and private schools.
 - (3) Interior storage of nonhazardous materials.
 - (4) Distribution of nonhazardous materials, subject to any vehicular restrictions that may be imposed as part of the special use permit application process.
 - (5) Technology recovery and remarketing facilities; provided, however, that no such use shall involve the stripping or breakdown of raw materials so as to generate hazardous wastes or hazardous products.
 - (6) Residential housing.
 - (7) Commercial office space.
 - (8) Nonhazardous research and development laboratories.
 - (9) Nonretail general services.
 - (10) Interior hydroponics facilities.
 - (11) Restaurants and lunch counters, provided that regular curbside and parking lot service of food shall not be permitted.
 - (12) Other uses of a light assembly nature, not involving the fabrication of components or parts, and reasonably free from odor, air pollutants, dust, dirt, vibration, noise, excessive volume or frequency of traffic, heavy truck traffic, and conditions which may create an unusual fire or explosion hazard.
 - (13) Medical offices.
 - (14) Senior centers.
 - (15) Senior living facilities.
 - (16) Information storage.
 - (17) Pet cemeteries.
 - (18) Any accessory use or building customarily incidental to a permitted use when located on the same lot, provided that all equipment and materials are stored in an enclosed structure. Area and parking limitations.
 - (19) Small-Scale Solar Energy Systems.
 - (20) Large-Scale Solar Energy Systems.
- B. Area and parking limitations. [\(1\)](#) Lot limitations and yard requirements, building height limitations, and off-street parking requirements shall be established by the Town Board pursuant to the special permit procedure in

§ [150-47.1](#), giving due regard for the nature of the proposed use, the nature of the surrounding neighborhood, and other factors described in § [150-47.1](#).

- (2) The purpose of this provision is to provide the maximum flexibility to the Town Board, with the recognition that properties to be zoned as Restricted Commercial pursuant to this section are likely to have unique characteristics in terms of their locations, building configurations, and similar features.

C. Notwithstanding the foregoing, the Town Board should consider as a guide area and other such limitations in other commercial zoning districts such as the General Commercial and Limited Industrial districts.

§ 150-16. Industrial Districts (I).

Those areas designated on the Town of Fenton Zoning Map as Industrial Districts (I) shall be used and improved only as permitted by this section and subject to compliance with the provisions of § [150-47](#).

A. Permitted uses are as follows:

- (1) Uses permitted in the I-L District, except Large-Scale Solar Energy Systems which shall not be permitted.
- (2) Industrial uses complying with the performance standards of § [150-39](#).
- (3) Truck, auto and equipment sales, repairs and service shops.
- (4) Building materials and equipment sales.
- (5) (Reserved)^[1]
[1] Editor's Note: Former Subsection A(5), regarding junkyards, auto wrecking and storage of salvage materials, was repealed 5-11-2016 by L.L. No. 2-2016.
- (6) Necessary accessory uses and buildings customarily incidental to permitted uses when located on the same lot.
- (7) Small-Scale Solar Energy Systems.

B. Lot limitations and yard requirements are as required for the R-A District (See Subsection B of § [150-10](#)), except that the maximum lot coverage of permitted buildings shall be limited to 80%; see also § [150-27](#).

C. Building height limitations are as required for the R-M District. (See Subsection C of § [150-11](#).)

D. Off-street parking and loading are as required for the C-N District. (see Subsection D of § [150-12](#).)

§ 150-17. Agricultural-Residential-A Districts (Ag-R-A).

[Amended 11-7-1984 by L.L. No. 1-1984; 3-2-1988 by L.L. No. 1-1988; 5-3-1989 by L.L. No. 4-1989; 8-21-1989 by L.L. No. 7-1989; 7-1-1992 by L.L. No. 2-1992; 2-2-2000 by L.L. No. 1-2000]

Those areas designated on the Town of Fenton Zoning Map as Agricultural-Residential-A Districts (Ag-R-A) shall be used and improved only as permitted by this section. Uses other than agricultural or residential shall be subject to the special approval procedure of § [150-32](#).

A. Permitted uses are as follows:

- (1) Agriculture.
- (2) One- and two-family dwellings, including factory manufactured homes (modular homes).
[Amended 6-4-2014 by L.L. No. 5-2014]
- (3) Electrical distribution substations and other public utility structures, subject to the provisions of § [150-47](#). (See Subsection B of § [150-47](#).)
- (4) Outdoor recreation, subject to the provisions of § [150-47](#). (See Subsection C of § [150-47](#).)

- (5) Commercial radio and television transmission or receiving towers and facilities, subject to the provisions of § [150-47](#). (See Subsection [E](#) of § [150-47](#).)
- (6) Churches.
- (7) Any accessory use or building customarily incidental to a permitted use when located on the same lot; and further provided that no garage or storage building shall be permitted, whether or not attached to the principal structure, incorporating a door of more than 10 feet in height or containing a first floor area in excess of 1,200 square feet, except upon compliance with provisions of § [15047A](#) of this chapter.
[Amended 2-26-2020 by L.L. No. 1-2020]
- (8) Animal hospitals and kennels, subject to the provisions of § [150-47](#). (See Subsection [I](#) of § [15047](#).)
- (9) Home occupations and offices for the practice of professionals subject to the conditions of § [15010A\(8\)](#) of this chapter.
- (10) Composting facilities, subject to the provisions of § [150-47](#).
- (11) An accessory building designated for storage of commercial vehicles, but only upon compliance with and subject to the restrictions of § [150-47A](#) and [I](#) of this chapter.
- (12) Storage buildings for the storage and use of personal property, subject to the provisions of § [15047A](#) and [J](#) of this chapter. Applicants for approval of storage buildings must certify to the Planning Board that they will not be used for commercial purposes, and must record a restrictive covenant with the Broome County Clerk providing that the storage building may not be used for commercial purposes. Notwithstanding the foregoing, such buildings may also be used to house commercial vehicles in the same manner as accessory buildings as set forth in § [150-17A\(11\)](#) and the provisions of this Town Code cited therein.
[Added 4-16-2003 by L.L. No. 2-2003]
- (13) Small-Scale Solar Energy Systems.
- (14) Large-Scale Solar Energy Systems.

[B.](#) Lot limitations and yard requirements are as provided for the R-A District. (See Subsection [B](#) of § [15010](#), except that no accessory building, other than for a residential use, shall be located closer than 100 feet to any residential district boundary.)

[C.](#) Building height limitations are as follows:

- (1) Residential buildings and churches as provided for the R-A District. (See Subsection [C](#) of § [15010](#).)
- (2) Barns and other buildings used for agricultural purposes: 80 feet.

[D.](#) Off-street parking and loading are as provided for the R-A District. (See Subsection [D](#) of § [150-10](#).)

§ 150-17.1. Agricultural-Residential-B Districts (Ag-R-B).

[Added 2-2-2000 by L.L. No. 1-2000]

Those areas designated on the Town of Fenton Zoning Map as Agricultural-Residential-B Districts (Ag-R-B) shall be used and improved only as permitted by this section. Uses other than agricultural or residential shall be subject to the special approval procedure of § [150-32](#).

[A.](#) Permitted uses are as follows:

- (1) Uses permitted in the Ag-R-A District. (See Subsection [A](#) of § [150-17](#).)
- (2) Sawmills and accessory uses customarily associated with sawmill operations.
- (3) Small-Scale Solar Energy Systems.
- (4) Large-Scale Solar Energy Systems.

§ 150-18. (Reserved)

§ 150-19. Manufactured Home Park District (MHP).

[Amended 6-4-2014 by L.L. No. 5-2014]

Those areas designated on the Town of Fenton Zoning Map as Manufactured Home Park Districts (MHP) shall be used and approved only as permitted by Subsection A of this section.

A. Permitted uses are as follows:

(1) Manufactured home parks, subject to the provisions of the Manufactured Home and Manufactured Home Park Law of the Town of Fenton. (See Chapter 99, Manufactured Homes.)

(2) Small-Scale Solar Energy Systems.

§ 150-20. Mining District (M).

[Added 8-2-1989 by L.L. No. 7-1989; amended 6-4-1997 by L.L. No. 2-1997]

A. Permitted uses. Mining operations shall be permitted as hereinafter provided in this section. The term "mining" and all related terms shall have the same meanings as in Title 27, Article 23 of the New York State Environmental Conservation Law and in any applicable regulation promulgated thereunder, except where otherwise defined in this section, either explicitly or by context.

B. Designation of Mining Districts. Mining operations shall be allowed in districts designated by the Town of Fenton Town Board as provided in Subsection C of this section. It is the intention of this section to allow the creation of a Mining District at any location deemed appropriate by the Town of Fenton Town Board; provided, however, that the Town Board shall consider the general zoning classification in which a proposed Mining District is located, along with the other factors specified in Subsection D of this section, in determining whether to create a Mining District.

C. Procedure for designation of Mining Districts.

(1) Districts coincident with existing mined land use plans. The Town of Fenton Planning Board shall, within six months following the effective date of this chapter, identify those areas of land currently being mined pursuant to a permit issued by the Town of Fenton, the New York State Department of Environmental Conservation, or both. Such areas of land shall constitute Mining Districts for the purposes of this section. The Planning Board shall report its findings to the Town Board, who shall thereafter cause the Town Zoning Map to be amended to identify such Mining Districts.

(2) Creation of new districts. All new Mining Districts shall be created by the Town of Fenton Town Board in accordance with the following procedure:

(a) Any person or company wishing to petition the Town for the creation of a Mining District shall submit to the Town Clerk an original and 11 copies of an application on a form prescribed by the Town Board on recommendation of the Planning Board, which shall contain at least the following:

[1] The name, address and telephone number of the applicant, together with the name of the person to contact for further information, if the applicant is a company.

[2] A map, prepared by a licensed engineer or surveyor, showing the boundaries of the proposed Mining District, as well as a key map showing its approximate location in the Town of Fenton. The scale of the map shall be no less than one inch equals 100 feet, unless the Planning Board, by resolution, allows a smaller scale.

[3] A description of the proposed mining operation, including the type of material to be mined, approximate tonnage for each year of the next five-year period and anticipated useful life of the mine. For the purposes of the preceding two subsections, a mining plan prepared pursuant to Title 27, Article 23 of the New York State Environmental Conservation Law and regulations promulgated thereunder shall be sufficient, provided that the Town Board

is satisfied that all relevant requirements thereof have been met; provided, further, that the applicant shall meet all applicable requirements of § [150-47A](#) of this chapter (Site plan approval) in submitting said mining plan.

- [4] A reclamation plan, including both a graphic and a narrative description of the proposed land use objective to be achieved in the final stage of reclamation, the proposed method of reclaiming the affected land, providing, where possible, for orderly, continuing reclamation concurrent with mining and a schedule for reclaiming the affected land. The reclamation plan shall contain at least the information required by Title 27, Article 23 of the New York Environmental Conservation Law and any regulations promulgated thereunder, and such plan shall be sufficient, provided that the Town Board is satisfied that all relevant requirements thereof have been met; provided, further, that the applicant shall meet all applicable requirements of § [150-47A](#) of this chapter (Site plan approval) in submitting said reclamation plan.
 - [5] A long-form environmental assessment form, prepared by a licensed professional engineer or architect, to assist the Town Board in its determination of environmental significance under the Town and State Environmental Quality Review Acts.
 - [6] A fee, established pursuant to resolution adopted by the Town Board.
- (b) The Town Clerk shall forthwith file the original of the application and forward the copies as follows: two to the Town Supervisor, who shall in turn forward one copy to an engineer retained by the Town Board for review and recommendations; one to each remaining Town Board member; one to the Town Attorney or his designee; three to the Chairman of the Planning Board; and one to the Broome County Planning Department, with a request for a recommendation when required by the General Municipal Law.
 - (c) The Town Board shall consider the application at its first regular meeting occurring at least 10 days following the filing of the application with the Town Clerk or at such other time and date as the Town Board shall determine. The Town Board shall discuss the application with the applicant and shall request any information it needs to consider the application. The Town Board shall also schedule a public hearing to be held at its next regular meeting or at any other time and date it shall determine. Notice of the public hearing shall be published in the official newspaper and posted on the official bulletin board of the Town at least five days prior thereto. The Town Board shall also take whatever steps are necessary to comply with the Town and State Environmental Quality Review Acts, and the public hearing on the application may be combined with a public hearing on any draft environmental impact statement which the Town Board may require.
 - (d) At least 10 days prior to the public hearing, the applicant shall send notice thereof by certified mail, return receipt requested, to the record owners located within 500 feet of the boundaries of the subject premises. Prior to the public hearing, applicants shall submit an affidavit sworn and subscribed before a notary public to the Town Clerk containing the following information: the names and addresses of all such property owners; a statement verifying that all such property owners names and addresses are contained on the list; and a statement that all such property owners were properly served. Applicants shall also submit the return receipts for all property owners served along with the affidavit.
 - (e) The cost of preparing, publishing and mailing the required notices shall be borne by the applicant. The Town Board shall cancel the public hearing if the applicant fails to submit the required information.
 - (f) The Town Board shall conduct the public hearing, affording all interested persons an opportunity to speak. At the conclusion of the public hearing, the Town Board shall direct the applicant to submit any additional information it determines is necessary to a determination of the application, if any. The Town Board shall formally act on said application no later than 60 days following the close of the public hearing or the receipt of all necessary information, whichever comes later.
 - (g) Prior to acting upon said application, the Town Board shall obtain a recommendation from the Planning Board as to whether the Mining District shall be created.

(h) In the event of a determination creating a new Mining District, the Town Board shall cause the Town Zoning Map to be amended accordingly, and shall forward all copies of the petition to the Planning Board.

D. Standards for the creation of Mining Districts. In considering application for the creation of a Mining District, the Town Board shall consider all relevant factors, including the following:

- (1) The consistency of the proposed Mining District with the Comprehensive Zoning Plan of the Town, as embodied in its Zoning Map and this chapter.
- (2) The character of the neighborhood in which the proposed Mining District would be located.
- (3) The general zoning classification of the area in which the proposed Mining District would be located.
- (4) The proximity of the proposed Mining District to other Mining Districts or operations.
- (5) The proximity of the proposed Mining District to other parcels of land which, in the future, might be the subject of a petition for the creation of a Mining District.
- (6) Impact of the mine operation on the immediate area and any haul ways.
- (7) Any other factor the Town Board considers relevant.

E. Term.

[Amended 5-3-2006 by L.L. No. 1-2006^[1]]

(1) Every Mining District shall remain in existence for a period of one year, or upon the abandonment of mining activities therein, whichever is later. "Abandonment" shall mean any one of the following:

- (a) Cessation of mining activities for a period of one year or more. Mining activities shall be considered to have been abandoned if fewer than 100 cubic yards of minerals have been removed from the site, or fewer than 500 yards of minerals have been processed on the site, during a one-year period. Such abandonment shall cause the Mining District to lapse whether or not the owner's or operator's permits from the Town and/or Department of Environmental Conservation have expired, or whether the owner or applicant has applied for renewal of either permit; or
- (b) Expiration of the owner's or operator's Town permit, unless the owner or operator has applied for a renewal of said permit prior to its expiration. Such expiration shall result in the termination of the Mining District, whether or not the mining activities themselves have ceased; or
- (c) Expiration of the owner's or operator's Department of Environmental Conservation permit, unless the owner or operator has applied for a renewal of said permit prior to its expiration. Such expiration shall result in the termination of the Mining District, whether or not the mining activities themselves have ceased; or
- (d) Failure of the owner or operator to provide the annual fee and certification as required by the Town Code within 30 days after having been advised by the Town, by certified mail, return receipt requested, or personal delivery, of said failure. The thirty-day period shall begin to run upon said personal delivery or upon receipt of the notice by mail.

(2) Whenever the Town Planning Board shall conclude that a mining operation has been abandoned by virtue of the foregoing, it shall forthwith issue a certificate of abandonment. A copy of the certificate of abandonment shall be mailed to the owner and/or operator at the last known address as set forth in the Planning Board's records, and shall file the original with the Town Clerk with a certificate of service of the copy. Service and filing of the certificate of abandonment shall create a presumption of abandonment; provided, however, that the failure of the Planning Board to serve and/or file such a certificate shall have no effect upon the determination whether an abandonment has, in fact, occurred.

- (3) Upon the permanent termination or abandonment of mining operations, the owner of the premises or the person or company responsible for the mining operations conducted therein shall commence reclamation of the premises in accordance with the mined use reclamation plan. If the responsible party has not commenced reclamation within 60 days following the permanent termination of mining activities or fails to complete reclamation in accordance with the plan within one year of the permanent termination of mining activities, the Town may take whatever steps are necessary to accomplish or complete said reclamation, including resort to the undertaking provided by the mining operator upon the granting of the mining permit. The mining operator shall advise the Planning Board upon the commencement and completion of reclamation.

[1] *Editor's Note: This local law also provided that it shall become effective upon filing with the Secretary of State, and shall have retroactive effect, meaning that any existing property in the Town that meets any of the criteria for abandonment set forth under Subsection [E\(1\)\(a\)](#) through [\(d\)](#) shall no longer be a Mining District, and no further mining shall take place without compliance with the provisions of § [150-20](#) for the creation of Mining Districts and issuance of permits.*

[F.](#) Issuance of mining permits.

- (1) No person or company shall operate a mining operation except within a Mining District and pursuant to a mining permit issued by the Planning Board in accordance with the procedure set forth in this subsection; provided, however, that it shall be permissible to remove minerals from any parcel of land on a casual basis for noncommercial use without establishing a Mining District or obtaining a mining permit, but in no event shall more than 250 tons be removed from any parcel of land during any one-year period or more than 1,000 tons on a cumulative basis, except pursuant to this section.
- (2) Applicants for a mining permit shall submit to the Planning Board 11 copies of an application therefor. The application shall contain the same information as that required for the creation of a Mining District under Subsection [C\(2\)](#) of this section. In the case of the initial creation of a Mining District, the permit application may be combined with the petition for the creation of the Mining District when submitted to the Town Board. The Planning Board shall prescribe a fee to accompany each permit application; provided, however, that when an applicant applies for a permit concurrently with an application for the creation of a Mining District, the fee paid pursuant to the application shall be sufficient.
- (3) The Planning Board shall consider the application for a mining permit at its next regular meeting following 10 days after receipt of the application. The Planning Board, in conjunction with the applicant, shall establish its own procedure and timetable for the determination of the application.
- (4) When the applicant has submitted a complete application, the Planning Board may grant the mining permit with such conditions as are necessary to ensure compliance with the requirements of Subsection [I](#).
- (5) The term of the mining permit shall be coincident with the term of any mining permit issued to the applicant by the New York State Department of Environmental Conservation. Otherwise, the term shall be three years.
- (6) Each mining permit shall include a requirement that the applicant submit a bond, with such surety and in such amounts as the Planning Board shall prescribe, in favor of said Planning Board, conditioned upon the satisfactory reclamation of the mining site upon the completion of mining operations thereon.

[G.](#) Renewals. The applicant shall, upon the expiration of each permit period, obtain a renewal for a like term by filing an application therefore with the Planning Board on a form prescribed by the Planning Board. In entertaining said renewal application, the Board shall consider, to the extent appropriate and applicable, the same factors considered by the Board for an initial application, together with the performance of the renewal applicant under previous permits. The Planning Board shall prescribe a fee to accompany each permit renewal application. The fee shall bear a reasonable relationship to the cost of administering this section.

[H.](#) Inspections and reports.

- (1) The Planning Board, the Town Zoning Enforcement Officer and any engineer engaged pursuant to this subsection shall conduct such periodic inspections, on reasonable notice to the mine operator, as they shall deem necessary to ensure compliance with the terms of the mining permit and this section.
- (2) The Planning Board may engage a licensed engineer to inspect each mining operation to determine on a systematic basis its compliance with the mining permit and the provisions of this section and to report such determination to the Planning Board. The Planning Board may devise a schedule for the orderly and systematic inspection of each mining operation.
- (3) At least 30 days prior to the anniversary of the granting of a mining permit, each mining operator shall submit 10 copies of a report, certified by a licensed engineer, showing graphically and by narrative the extent of the operations carried on over the previous year, including any variance for the mined use plan. If the Planning Board finds the report to be defective in any way, it may consider its expenses discovering or remedying any such defect in establishing the fee upon the next occurring renewal of the mining permit.

I. Conduct of operations. In addition to complying with all provisions of the mining permit and all applicable federal, state and local laws, all operations shall be conducted as follows:

- (1) Operations shall be conducted in such a manner as to prevent excessive dust and noise.
- (2) Operations shall be restricted to between the hours of 7:00 a.m. and sunset, Monday through Saturday.
- (3) The operator shall maintain private and public roads and driveways in a dust-free condition and provide such surfacing or other treatment as may be required by the Planning Board at the time of approval.
- (4) Open excavations extending below the level of an adjacent highway shall not be closer to the highway right-of-way than 100 feet. Operations shall be carried on no closer than 25 feet to an adjacent property.
- (5) Finished slopes in any open pit shall not be steeper than allowed by the rules and regulations of the New York State Department of Environmental Conservation.
 - (a) Finished slopes shall be graded and each site shall be fertilized, mulched and seeded to establish a firm cover of grass or other vegetation sufficient to reduce erosion.
 - (b) Stone walls of a quarry need not be reduced in slope or reseeded.
- (6) All surface drainage shall be controlled through the use of dikes, barriers and drainage structures to prevent silt, erosion, debris or other loose materials from being deposited on any public or private highway or on other property. All provisions for controlling drainage water shall be subject to periodic review by the Planning Board.
- (7) Fencing shall be provided along property lines for whatever distance the Planning Board shall determine to be necessary for protection of adjoining property and the public.
- (8) Screening may be required to reduce the visual impact of the project on the surrounding properties before mining commences and throughout the duration of the project.
- (9) Whenever the Planning Board determines that the excavation of materials is creating a nuisance, or the mining operator has violated the terms of the permit or of this section, it may revoke the permit therefore upon five days notice after hearing before the Planning Board.

J. Violations. The Planning Board and Zoning Enforcement Officer shall report any violations of the mining permit or of this section to the Town Attorney, who shall take whatever steps are available under this chapter or any other law to remedy such violations.

Section 2. The Town Board shall cause the Town Code to be amended to reflect this amendment thereto.

Section 3. This local law shall become effective upon filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 10 (2025) of the Town of Fenton was duly passed by the Town Board on November 5, 2025 in accordance with the applicable provisions of law.

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 and was finally adopted in the manner indicated in paragraph above.

Dated: November 6, 2025

Melodie Bowersox, Town Clerk

[SEAL]