

# ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

## CHAPTER 9 ARTICLE 3 - ZONING, ADMINISTRATIVE REVIEW, AND SANITARY PERMITS

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### 9.30 ZONING, ADMINISTRATIVE REVIEW AND SANITARY PERMITS - PURPOSE

In order to ensure compliance with this ordinance and provide for proper administrative review and record keeping, a zoning permit is generally required before a permitted use may occur. An administrative review permit is required before an administrative review use may occur. A sanitary permit is required to enlarge or install a sewage disposal system. This article addresses zoning permits, administrative review permits and sanitary permits.

### 9.31 GENERAL DESCRIPTION OF PERMITS

#### A. Permitted Uses

As provided in sections 9.32 and 9.33 below, generally a zoning permit must be obtained from the Zoning Administrator before a permitted use may occur or a structure is built or altered. The procedures for the issuance of such a zoning permit are found at sections 9.34 and 9.35. Even in the case of a listed "permitted use," after reviewing a zoning permit application, the Zoning Administrator may determine that special conditions need to be imposed to control the impact of a proposed permitted use. When this occurs, the permitted use is treated as an administrative review use. Section 9.35 describes the situations in which certain permitted uses may be treated as administrative review uses. In such a situation, the Zoning Administrator would process the application under the procedures applicable to administrative review permits contained in section 9.36.

#### B. Administrative Review Uses

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Before an administrative review use may occur, an administrative review permit must be obtained from the Zoning Administrator. The permit may contain conditions and/or restrictions as the Zoning Administrator deems necessary. The purpose of requiring administrative review of such uses is to provide for appropriate review while at the same time allowing for expedited action on proposed uses that might otherwise be designated as conditional uses requiring full Committee review and action. The procedures regarding administrative review permits are found at section 9.36.

9.32 ZONING PERMIT REQUIREMENT (#8-2015)

A zoning permit shall be obtained before:

- A. A structure is built, erected, placed, enlarged, altered or moved.
- B. A structure is structurally altered so as to change its use or increase the square footage of its floor area or vertical surface area.
- C. A structure is repaired when 50% or more of a structure's CEAV has been damaged or destroyed by fire or other catastrophic cause.
- D. The use of a structure or property is changed.
- E. A recreational vehicle is used as a dwelling for more than five (5) consecutive days unless exempt under 9.33(F).

9.33 EXCEPTIONS TO ZONING PERMIT REQUIREMENT (#39-2004,05-2005,8-2015)

A. New Structure (Costs under \$2,500)

A zoning permit shall not be required when the total fair market value of materials and labor reasonably anticipated for the total cost of constructing a new structure is \$2,500.00 or less, and provided:

- 1. The structure is less than 200 square feet in size.
- 2. The structure is not part of a sewerage system.
- 3. The structure conforms with all other requirements of this ordinance.

B. Existing Structure (Alterations under \$5,000)

A zoning permit shall not be required for an existing structure when the cumulative fair market value of materials and labor for all structural alterations to the structure, excluding ordinary maintenance and repairs, is \$5,000.00 or less over the life of the structure, and provided:

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1. The improvements or alterations do not structurally alter the structure so as to change its use.
2. The structure conforms to all of the requirements of this ordinance.
3. The structural alteration does not result in any further encroachment upon any setback, yard or open space areas controlled by this ordinance.

C. Ordinary Maintenance and Repairs

A zoning permit shall not be required for the ordinary maintenance and repair of a structure.

D. Public Utility Lines or Structures

A zoning permit shall not be required for the construction of public utility lines or structures.

E. Open Fences

A zoning permit shall not be required for the construction of open fences.

F. Recreational Vehicle/Camping Tent

A zoning permit shall not be required for the placement of recreational vehicles or a camping tent on property, provided any of the following apply:

1. The recreational vehicle is being stored on the property.
2. The recreational vehicle or camping tent is used on the owner's property for a period not to exceed two years while a permanent dwelling is under construction, provided that a zoning permit has been granted for the dwelling unit under construction and a notation was placed on the application for permit that a recreational vehicle is going to be used. Provisions of 13.24 of the Oneida County Private Onsite Wastewater Treatment System Ordinance (POWTS) applies.
3. The recreational vehicle is placed in a campground or recreational vehicle park in accordance with section 9.53 of this ordinance.

G. Construction Trailers

A zoning permit shall not be required in order to place construction trailers on property during any construction period authorized by a conditional use permit.

H. Other Requirements Apply

The exceptions to the zoning permit requirements contained in this article do not excuse a property owner from applying for and obtaining all other permits required by the Oneida County Ordinances or other local, state or federal laws or regulations.

9.34 ZONING PERMIT APPLICATION PROCEDURE (Amended #18-2006)

A. Applications

Applications for zoning permits shall be made on forms approved by the Committee and available from the Department. Completed applications shall be filed with the Department.

B. Application Fee

The application fee as periodically designated by the County Board shall be paid when the application is filed.

C. Review for Completeness

Zoning permit applications shall be reviewed for completeness by the Zoning Administrator within 15 working days of the date the application is filed and the fee is paid. If a sanitary permit is required for the proposed activity, the zoning permit application will not be considered complete until a sanitary permit has been issued pursuant to this ordinance. For projects involving both a CUP and a zoning permit, the time period for review of the zoning permit shall not begin until after the CUP is approved by the Committee. Written notice shall be given to the applicant and the Committee of the Zoning Administrator's determination as to completeness.

D. Approval or Denial of Application

Within 15 working days of the date a zoning application is deemed complete, the Zoning Administrator shall deny or approve the zoning permit application and, if the application is approved, issue a written permit with or without conditions. No permit may be issued unless the Zoning Administrator determines that the proposed use and/or proposed structure is a permitted use under this ordinance, and is in compliance with all other requirements of this ordinance and any other applicable County ordinance. If the application is denied, written reasons for the denial shall be given to the applicant and the Committee. The applicant shall be advised in writing of the right to appeal the denial to the Board of Adjustment.

9.35 PERMITTED USES REQUIRING ADMINISTRATIVE REVIEW (#29-2001)

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The Zoning Administrator, upon receipt of a completed zoning permit application may require that the permitted use be treated as an administrative review use and require the issuance of an administrative review permit pursuant to the procedures contained in section 9.36 in the following situations:

- A. When a change from, or expansion of, an existing permitted use would involve the alteration and/or addition to an existing building of more than 25% of the square footage of the existing floor space.
- B. When a change from, or expansion of, an existing permitted use would involve a significant increase in the following:
  - 1. Daily wastewater generation
  - 2. Solid waste or garbage generation
  - 3. Number of customers or employees
  - 4. Use of yard space, storage of commercial vehicles, outdoor operations or noise
  - 5. Air emissions or odors (for example, from the installation of a garbage incinerator or smokehouse)
  - 6. Exterior lighting
- C. When any other permitted use that is likely to have a significant impact on surrounding property or on the provision of governmental services.
- D. When a proposed expansion is to a building or other structure in a road setback area and the owner has not obtained approval from the affected government entity.

9.36 PROCEDURE FOR ADMINISTRATIVE REVIEW PERMITS

An administrative review permit shall be required for all administrative review uses under this ordinance.

A. Application Procedure

- 1. Application reviewed for completeness

An administrative review permit application shall be completed and filed, along with the fee, with the Zoning Administrator. Administrative review permit applications shall be reviewed for completeness pursuant to section 9.34(C).

- 2. Referral to Committee for CUP Procedures

If, after initial review, the Zoning Administrator determines that the proposed use more closely fits in the conditional use category, the

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matter shall be referred to the Committee and handled as a CUP application. If the Zoning Administrator makes such a referral, the applicant must complete a CUP application for further consideration. Once completed, the CUP application shall be reviewed and acted upon by the Committee pursuant to the CUP procedures contained in sections 9.41 and 9.42. The applicant will be responsible for paying any difference between the initial administrative review permit fee and the CUP application fee.

3. Notice to Town, County, or State (#29-2001)

If the Zoning Administrator does not refer the completed application to the Committee, the Zoning Administrator shall provide written notice of the completed application to the town in which the proposed use is located, or to the government entity having jurisdiction over an adjacent road that may be affected by the proposed use. The Town or other government entity shall have 30 days to provide the Zoning Administrator with a written objection to the application for reasons of safety or otherwise under Sections 9.35 and 9.36 of this ordinance. If the Zoning Administrator receives a timely written objection, he or she shall refer the application to the Committee to be reviewed and acted upon under the CUP procedures as provided in section 9.36(A)(2) above.

4. Issuance or denial of permit

If the Zoning Administrator does not receive written town objection, he or she shall attempt to approve, conditionally approve, or deny the application within 45 days of receipt of the completed application. However, the Zoning Administrator may extend this review time up to 90 days after the receipt of the completed application. If the application is approved or conditionally approved, the Zoning Administrator shall issue a zoning permit with any special restrictions or conditions attached to the approval. If the application is denied, written reasons for the denial shall be provided to the applicant and the Committee. The applicant shall be given written notice of the right to appeal the Zoning Administrator's decision to the Board of Adjustment pursuant to section 9.85.

B. Conditions

The Zoning Administrator may attach such special restrictions or conditions to the administrative review permit as deemed necessary to further the purposes of this ordinance. Such conditions may include, but are not limited to, the conditions listed in section 9.42(D).

C. General Standards for Approval

No application for an administrative review permit for an administrative review use shall be approved or conditionally approved unless the Zoning Administrator determines that the standards contained in section 9.42(E) are fulfilled. When applying such standards to an administrative review permit application, the phrase "conditional use" shall be replaced with the phrase "administrative review use."

D. Optional CUP Procedure

As an alternative to the administrative review permit procedures for administrative review uses contained in this section, an applicant may request that the administrative review procedure be waived and that the proposed use be handled under the conditional use procedures. Such request must be made before or at the time the applicant files an administrative review permit application. If the applicant chooses to have an administrative review use handled under the conditional use procedures, the person shall complete a CUP application, pay the CUP fee and otherwise comply with all the provisions applicable to a CUP. The CUP application shall be reviewed and acted upon pursuant to the CUP procedures and provisions contained in sections 9.41 and 9.42.

9.37 MISCELLANEOUS ZONING AND ADMINISTRATIVE REVIEW PERMIT PROVISIONS

A. Expiration. A zoning permit or administrative review permit shall expire two years from the date of issuance of the permit and may not be renewed.

1. The footings, foundation or slab and the outside shell of the structure must be complete at the time the original permit expires. If the footings, foundation or slab and the outside shell is not complete within two years, a new zoning permit must be applied for and approved.

B. Reapplication After Denial

1. No zoning permit or administrative review permit application which has been denied by the Zoning Department shall be considered again within one year of the written denial.
2. An applicant may re-file a zoning permit or administrative review permit application if the application does not involve a request for a similar project or project of similar size, scope and design or where the application no longer conflicts with any ordinance provisions.

C. Posting of Permit. Once issued, the zoning permit or administrative review permit shall be posted in a prominent place on the premises or structure prior to and until after the completion of the building, erection,

placement, enlargement, alteration or moving of the structure. The permit does not need to be posted if it was obtained solely because the use of a structure or property was changed and no building, erection, placement, enlargement, alteration, or moving of a structure will occur.

- D. Committee Consultation. The Zoning Department may consult with the Committee on any zoning permit application or administrative review permit application.
- E. Permit Records. The Department shall keep a complete record of all zoning permits and administrative review permits and denials issued by the County.

### 9.38 SANITARY PERMIT

#### A. Sanitary Permit Required

The installation or enlargement of any sewage disposal system shall require a sanitary permit from the Zoning Administrator pursuant to the Oneida County private sewage system ordinance.

#### B. Private Sewage Disposal

No zoning permit shall be issued, and no work on, or the change of use of, a structure or facility requiring private sewage disposal facilities shall begin until a sanitary permit has been issued by Oneida County.

#### C. Public Sewer and Water Permit

The Zoning Administrator shall not issue any zoning permit to any applicant when said building facilities are to be served by a public sewer and water utility until said applicant has been issued a permit by the appropriate sewer and water utility to hook up to the public sewer and water utility.

### 9.39 [reserved for future use]