

# **Town of Springport Zoning Law**

**ADOPTED**  
**June 12, 2017**

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# **ARTICLE I**

## **General Requirements.**

### **1.1 Purpose**

Under and pursuant to Chapter 62, Articles 9 and 16, of the Consolidated Laws of New York State, the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purposes are hereby restricted and regulated for the purpose of:

- promoting the health, safety, morals and general welfare of the community;
- reducing congestion in the streets;
- securing safety from fire, panic and other dangers;
- providing adequate light and air to dwellings and other interior spaces;
- preventing overuse of land and avoiding undue concentration of population;
- facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

### **1.2 Authority**

This Zoning Law is adopted under the grant of power as set forth in Article 16 of the Town Law of NYS.

### **1.3 When Effective**

This Zoning Law shall be in effect upon adoption, publication and filing as provided for by law.

### **1.4 Amendments**

The regulations, restrictions and boundaries set forth in this Zoning Law may be amended, supplemented, changed or repealed by the Town Board pursuant to local law.

### **1.5 Severability**

The invalidity of any section or provision of this Zoning Law shall not invalidate any other section or provision thereof.

## **1.6 Conformance**

It shall be unlawful to use or permit the use of any building or part thereof hereafter erected, changed or extended in whole or in part, or altered beyond what is generally accepted as normal maintenance, in a manner which shall not conform in all respects to the requirements of this Zoning Law.

Any use not specifically set forth as a permitted use in any zoning district shall be expressly prohibited in that zone. A use specifically set forth as a permitted use in one zoning district shall not be permitted in another zoning district unless it is specifically set forth as a permitted use in said district.

## **1.7 Space and Construction**

Except as hereinafter provided, no building or part thereof shall be erected, altered or relocated unless done so in conformance with the regulations on space and construction specified herein for the district in which it is located, and with any relevant supplementary regulations. No portion of a yard or other open space within a lot that is required for the purpose of complying with lot coverage or setback requirements of this Zoning Law shall be included as a portion of a yard or other open space similarly required for another lot.

## **1.8 Building Permits**

No building in any district shall be changed, altered or extended if such change, alteration or extension shall affect the dimensions of the building or the number of dwelling units in said building, without a building permit issued by the Code Enforcement Officer.

A building permit application shall be made to the Code Enforcement Officer before any nonagricultural building or other structure, including but not limited to signs, swimming pools (except portable children's wading pools), above-ground or below-ground tanks, power and pump stations, radio or telecommunications towers, and canopies and pavilions, is begun, erected, constructed, enlarged, improved, renovated, repaired or altered.

Every application for a building permit shall state the intended use of the building and shall be accompanied by a satisfactory plot plan, drawn to scale with dimensions shown, that indicates the size and shape of the lot, any existing and proposed buildings, and all required yard areas and setbacks required herein.

Unless there has been substantial progress made in the work for which a building permit has been issued, said building permit shall expire one (1) year from the date of issue. In no case shall a building permit be valid for more than two (2) years from the date of issue.

## **1.9 Fees for Permits**

Fees for applications for site plan approval, special permit approval, request for variances from the requirements of this Zoning Law, and consideration of request for changes in zoning designation and building permits shall be established by the Town Board and may be adjusted from time to time at the discretion of the Board. In addition to any fees set by the Town Board, applicants shall be responsible for bearing the cost of any advertising and reasonable consultant costs.

## **1.10 Building Code Conformance**

All zoning regulations stated herein shall be in accord with requirements established by the New York

State Uniform Building Code or its successors. Where the requirements of this Zoning Law and the New York State Uniform Building Code differ, the stricter of the two shall govern.

Requirements for building codes and maintenance presented in the New York State Uniform Building Code but not contained in this Zoning Law are considered to be part of the zoning requirements for the Town of Springport.

## **1.11 Certificate of Compliance or Occupancy**

No building or structure or part thereof hereafter erected, altered or extended shall be used or changed in its use until a Certificate of Compliance or Occupancy has been issued, signifying that such building or structure, or use change, complies with the provisions of this Zoning Law and applicable building codes, except in the case of continued occupancy during the building permit period.

## **1.12 Enforcement and Penalties**

This Zoning Law shall be enforced by the Code Enforcement Officer who shall be appointed by the Town Board. The Code Enforcement Officer shall in no case, except under written order by the Board of Zoning Appeals, grant any building permit or statement of compliance for any building or land use in violation of any provisions of this Zoning Law.

Any person, firm, corporation or other entity violating any provision of this Zoning Law shall be deemed guilty of an offense pursuant to Town Law, Section 268, and upon conviction thereof shall be subject to a fine and to imprisonment for each and every violation, as provided for in Town Law, Section 268. For the purpose of this Zoning Law, each week that a violation continues shall constitute a separate and distinct offense.

In addition to other penalties, the Town of Springport may institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration or use of any building or land in violation of the requirements of this Zoning Law.

The Code Enforcement Officer shall have the right upon notice to inspect any premises, building or area covered under the provisions of this law. No person shall refuse to allow said officer to fully inspect any and all premises, and no person shall molest or resist the officer in the discharge of his or her duties. Failure to comply with this section shall be deemed a violation under this law, allowing for civil and penal remedy as set forth herein.

### **1.13 Approval of Cayuga County Health Department**

No permit for any structure shall be granted until the Cayuga County Health Department requirements with respect to proposed methods of water supply and sewerage or other waste disposal have been met.

## **ARTICLE II**

### **Zoning Districts.**

#### **2.1 General.**

The principal objective of this Chapter is to provide for an orderly arrangement of compatible buildings, structures and land uses, and for the property location of all types of uses required for the social and economic welfare of the residents of the Town of Springport. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various zoning districts established by this Chapter.

In addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of the unusual characteristics of the service they provide the public. These uses require particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community. The conditions controlling the locations and operation of such special permit uses are established in Article IV of this zoning ordinance.

#### **2.2 Section 4. Prohibited Uses.**

All uses not expressly described within this Zoning Law as a permitted use, whether a principal use, accessory use, or a special permit use in a zoning district shall be a prohibited use.

#### **2.3 Number of Dwellings on a Lot.**

Unless otherwise provided for in this Zoning Law, with the exception of within the AG-Agricultural District there shall be no more than one (1) single-family structure on any lot.

#### **2.4 Zoning districts.**

In order to classify, regulate and restrict the locations of uses and buildings designated for specific areas; and to regulate and determine the areas of yards and open spaces within or surrounding such buildings, the Town is hereby classified into the following zoning districts:

1. AG-Agricultural District;
2. C- Commercial District;
3. R1-Residential District;
4. R2-Waterfront Residential District;
5. I - Industrial

## **2.5 Zoning map.**

The boundaries of each zoning district are to be indicated upon the zoning map as approved by the Town Board. Said map and subsequent amendments thereto shall be considered part of this Chapter. Where uncertainty exists as to boundaries of districts, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of roads shall be construed to follow such center lines.
2. Boundaries indicated as approximately following existing lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town boundaries shall be construed as following such boundaries.
4. Boundaries indicated as following a railroad shall be construed to be following the centerline of the railroad right-of-way.
5. Boundaries indicated as approximately following the edge of streams shall be construed to follow the center lines thereof.
6. Boundaries indicated as bordering on Cayuga Lake shall extend to the Town boundaries and encompass the floor of such lake.
7. Where physical or cultural features existing on the ground are inconsistent with those shown on the zoning map, or in other circumstances not covered above, the Zoning Board of Appeals shall interpret the district boundaries.

## **2.6 AG-Agricultural District.**

### **2.6.1 Purpose**

The purpose of the AG–Agricultural District is to protect the agricultural production resources of the Town of Springport, promote the wise stewardship of soil and water resources, and to promote the long term economic viability of the agricultural sector.

### **2.6.2 Right to Farm**

In order to further the above Purpose agriculture is presumed to be the pre-eminent land use within the AG–Agricultural District. Within the District any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, including but not limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance.

### 2.6.3 Permitted Uses

In the AG–Agricultural District, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

Agricultural commerce.

Agricultural tourism.

Campground and group campground subject to the provisions of Article V, Section 5.4

Cemetery as regulated by New York State, and the buildings and structures incidental to cemetery operations.

Commercial gardening, plant nursery and greenhouse and retail sales of plant and gardening products and equipment.

Commercial stable.

Farm operation.

Flag lot, subject to the standards set forth in Article V, Section 5.4.

Private airstrip.

Public and private parks and preserves.

Roadside stand, subject to the standards set forth in Article V, Section 5.4

Single-family residence.

Farm worker residence as regulated by New York State Uniform Code.

Telecommunications and communications facilities and transmission towers.

Temporary building.

### 2.6.4 Permitted Accessory Uses

Such necessary uses as are customarily incidental to the above uses, as well as the following:

Bed and breakfast establishment

Business directional signs, subject to limitations set forth in Article V, Section 5.3

Family adult care and family child care.

Home occupation, conducted solely by residents of the dwelling.

Non-commercial solar energy system.

Non-commercial wind energy system.

Parking in accordance with the standards set forth in Article V, Section 5.2.

Professional office where (a) such office is part of the residence building, and (b) no more than three (3) persons not residing on the premises are employed.



Signs as regulated under Article V, Section 5.3.

Swimming pool.

#### 2.6.5 Uses Allowed by Site Plan Approval

The following uses are allowed upon approval of a site plan by the Planning and Zoning Board, pursuant to Article IV, Section 4.4 and subject to the design standards set forth in relevant sections of Article V, prior to the issuance of any building permit:

Campground and group campground.

Cottage Industry.

Golf course, excluding miniature golf course operated on a commercial basis.

Kennel.

Manufactured home park.

Outdoor recreation club.

Public and private schools or nursery schools.

Religious use.

#### 2.6.6 Lot Area and Yard Requirements

The following dimensions are the minimum standards for any lot in the AG-Agricultural District:

Minimum lot area shall be 40,000 square feet.

Minimum lot width at front lot line shall be 200 feet.

Minimum lot depth shall be 200 feet.

Minimum front yard setback shall be 75 feet.

Minimum side yard setbacks shall be 30 feet.

Minimum rear setback shall be 75 feet.

Maximum building height for any nonagricultural building or structure shall be 35 feet.

Maximum lot coverage shall be ten (10) percent of the lot area.

## **2.7 R1-Residential District**

### **2.7.1 Purpose**

The purpose of the R1- Residential District is to promote moderate-density residential development in areas adjacent to the village of Union Springs that may now or in the future be served by public water and/or public sewerage. Development densities when combined with cluster residential subdivision development options have the potential for providing for attractive, high quality neighborhoods, promoting logical growth, preserving important open space resources and promoting the vitality of downtown Union Springs.

### **2.7.2 Permitted Uses**

In the R1- Residential District, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

- Cemetery as regulated by New York State, and the buildings and structures incidental to cemetery operations.

- Farm operation.

- Flag lot, subject to the standards set forth in Article V, Section 5.4.

- Single-family residence.

- Telecommunications and communications facilities and transmission towers.

- Temporary building.

### **2.7.3 Permitted Accessory Uses**

Such necessary uses as are customarily incidental to the above uses, as well as the following:

- Bed and breakfast establishment

- Business directional signs, subject to limitations set forth in Article V, Section 5.3.

- Family adult care and family child care.

- Home occupation, conducted solely by residents of the dwelling.

- Non-commercial solar energy system, as an accessory use to the principal use on the premises.

- Non-commercial wind energy system, as an accessory use to the principal use on the premises.

- Parking in accordance with the standards set forth in Article V, Section 5.2.

- Professional office where (a) such office is part of the residence building, and (b) no more than three (3) persons not residing on the premises are employed.

Signs as regulated under Article V, Section 5.3.

Swimming pool.

#### 2.7.4 Uses Allowed by Site Plan Approval

The following uses are allowed upon approval of a site plan by the Planning and Zoning Board, pursuant to Article IV, Section 4.4 and subject to the design standards set forth in relevant sections of Article V, prior to the issuance of any building permit:

Golf course, excluding miniature golf course operated on a commercial basis.

Group adult care.

Group child care.

Hospice.

Life care facility.

Manufactured home park.

Multiple dwelling, subject to the density limitations and design standards set forth in Article V, Section 5.4.

Public and private school or nursery school, institution of higher education, including dormitory accommodations.

Religious use.

#### 2.7.5 Lot Area and Yard Requirements

The following dimensions are the minimum standards for any lot in the R1-Residential District:

Minimum lot area shall be one (1) acre without public water or sewer service, and 20,000 square feet with public water or sewer service.

Minimum lot width at front lot line shall be 150 feet without public water or sewer service and 75 feet with public water or sewer service.

Minimum lot depth shall be 200 feet.

Minimum front yard setback shall be 35 feet.

Minimum side yard setbacks shall be 15 feet.

Minimum rear setback shall be 50 feet.

Maximum building height for any nonagricultural building or structure shall be 35 feet.

Maximum lot coverage shall be fifteen (15) percent of the lot area.

## **2.8 R2- Waterfront Residential District**

### **2.8.1 Purpose**

The purpose of the R2- Waterfront Residential District is to promote moderate-density residential development in areas adjacent to Cayuga Lake, while protecting the unique scenic qualities of the shoreline and water quality in Cayuga Lake.

### **2.8.2 Permitted Uses**

In the R2- Waterfront Residential District, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

- Flag lot, subject to the standards set forth in Article V, Section 5.4
- Single-family residence.
- Temporary building.
- Telecommunications and communications facilities and transmission towers.

### **2.8.3 Permitted Accessory Uses**

Such necessary uses as are customarily incidental to the above uses, as well as the following:

- Bed and breakfast establishments.
- Business directional signs, subject to limitations set forth in Article V, Section 5.3.
- Family adult care and family child care.
- Home occupation, conducted solely by residents of the dwelling.
- Non-commercial solar energy system, as an accessory use to the principal use on the premises.
- Non-commercial wind energy system, as an accessory use to the principal use on the premises.
- Parking in accordance with the standards set forth in Article V, Section 5.2.
- Signs as regulated under Article V, Section 5.3.
- Swimming pool.

#### 2.8.4 Uses Allowed by Site Plan Approval

The following uses are allowed upon approval of a site plan by the Planning and Zoning Board, pursuant to Article IV, Section 4.4 and subject to the design standards set forth in relevant sections of Article V, prior to the issuance of any building permit:

Religious uses.

Residential co-op park, as regulated under Article IV Section 4.2 and Article V Section 5.5

#### 2.8.5 Lot Area and Yard Requirements

The following dimensions are the minimum standards for any lot in the R2-Waterfront Residential District:

Minimum lot area shall be 10,500 square feet with public water or sewer service, and 1 acre without public water or sewer service.

Minimum lot width at front lot line shall be 70 feet with public water or sewer service and 100 feet without public water or sewer service.

Minimum lot depth shall be 120 feet.

Minimum front yard setback shall be 50 feet.

In the case of a property with frontage on a lakeshore, the yard between the principal structure and the lakeshore shall be considered a front yard.

In the case of a shoreline structure as defined in these regulations, the yard minimum required yard setback shall be 0 feet.

Minimum side yard setbacks shall be 10 feet.

Minimum rear yard setback shall be 35 feet.

Maximum building height for any nonagricultural building or structure shall be 35 feet.

Maximum lot coverage shall be thirty-five (35) percent of the lot area.

## **2.9 C-Commercial District**

### **2.9.1 Purpose**

The purpose of the C-Commercial District is to provide for neighborhood-scale retail commercial development in appropriate locations in the Town of Springport to serve the needs of local residents, tourists and other visitors to Springport and Union Springs. It is designed to promote commercial development consistent with the character of the community and the goals of organized and logical growth, increased employment opportunities and an increased tax base.

### **2.9.2 Permitted Uses**

In the C-Commercial District, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following and upon approval of a site plan by the Planning and Zoning Board:

Adult care center.

Amusement park.

Automobile maintenance and repair, including auto body repair shops.

Bank, insurance agency and other retail financial service.

Bed and breakfast establishment.

Bowling alley, theatre and similar commercial indoor recreation, except for adult oriented business.

Campground and group campground as regulated under Article V, Section 5.4

Car washes and similar automobile care establishments.

Caterer.

Child care center.

Clinic.

Commercial gardening, plant nursery and greenhouse and retail sales of plant and gardening products and equipment.

Community center.

Conference center.

Cultural center.

Eating and drinking establishment including diner, restaurant, tavern and pub, provided no drive-through service is offered.

Fast food restaurants, with or without drive-through service.

Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.

Fraternal organizations and their clubhouse, hall, post, temple and other facilities associated with the activities of the organization.

Funeral home.

Gasoline sales, including gasoline sales combine with a convenience store or restaurant.

Health club.

Hospitals, nursing or convalescent homes.

Hostel, hotel, inn, motel.

Marina.

Municipal and private fee parking lot.

Museum.

Outdoor recreation club.

Printing, plumbing, heating, electrical services and similar establishments.

Professional offices, medical and dental clinics.

Public or private commercial outdoor recreational activities including miniature golf.

Religious uses.

Research and development.

Retail sale of convenience goods such as groceries, prepared food and drink, drug sundries, dry goods.

Retail sale of wearing apparel, hardware, furniture, appliances and similar goods, and the servicing of such goods.

Retail services.

Sale and storage of lumber and building supplies.

Sales and service of agricultural and industrial equipment.

Sales and service of boats and boat accessories, including docks, boat lifts, trailers.

Self-service storage facility.

Telecommunications and communications facilities and transmission towers.

Towing service, including automobile storage.

### 2.9.3 Permitted Accessory Uses

Such necessary uses as are customarily incidental to the above uses, as well as the following:

Business directional signs, subject to limitations set forth in Article V, Section 5.3.

Non-commercial solar energy system, as an accessory use to the principal use on the premises.

Non-commercial wind energy system, as an accessory use to the principal use on the premises.

Outdoor storage and display.

Parking in accordance with the standards set forth in Article V, Section 5.2.

Signs as regulated under Article V, Section 5.3.

Swimming pool.

#### 2.9.4 Site Plan Approval

The uses listed in Section 2.9.2 and 2.9.3 above shall be subject to approval of a site plan by the Planning and Zoning Board, pursuant to Article IV, Section 4.4 and subject to the design standards set forth in relevant sections of Article V, prior to the issuance of any building permit.

#### 2.9.5 Lot Area and Yard Requirements

The following dimensions are the minimum standards for any lot in the C-Commercial District:

Minimum lot area shall be one 20,000 square.

Minimum lot width at front lot line shall be 100 feet.

Minimum lot depth shall be 150 feet.

Minimum front yard setback shall be 25 feet and with the exception of entry and exit drives shall be lawn or other maintained landscape.

Minimum side yard setbacks shall be 10 feet, except where a C-Commercial District abuts a R1 or R2 district, in which case the setback shall be 30 feet.

Minimum rear yard setback shall be 30 feet.

Maximum building height for any nonagricultural building or structure shall be 35 feet.

Maximum lot coverage by all structures including parking lots and other impervious surfaces shall be sixty-five (65) percent of the lot area.

No parking, outside storage or display, or other accessory use shall be permitted within any yard setback areas.



## **2.10 I-Industrial District**

### **2.10.1 Purpose**

The purpose of the I-Industrial District is to provide for industry within the Town including processing or fabrication, assembly, treatment, packaging, incidental storage, or sales and distribution of such products, consistent with the goals of organized and logical growth, increased employment opportunities and an increased tax base.

### **2.10.2 Permitted Uses**

In the I-Industrial District, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following and upon approval of a site plan by the Planning and Zoning Board:

Auto body repair shop

Construction and other contractor offices, fabricating and repair shops, equipment and materials storage areas.

Extractive industry.

Farm operation.

Freight trucking enterprise.

Junkyard.

Light industry.

Machinery and equipment sales and repair.

Off Premises signs, subject to the standards set forth in Article V, Section 5.3.5

Outdoor recreation club.

Private airstrip.

Research and development.

Towing service.

Sawmill.

Self-service storage.

Adult oriented business.

Telecommunications and communications facilities and transmission towers.

Warehouse or wholesale distribution center.

### 2.10.3 Permitted Accessory Uses

Such necessary uses as are customarily incidental to the above uses, as well as the following:

Non-commercial antenna.

Non-commercial solar energy system, as an accessory use to the principal use on the premises.

Non-commercial wind energy system, as an accessory use to the principal use on the premises.

Outdoor storage.

Parking in accordance with the standards set forth in Article V, Section 5.2.

Signs as regulated under Article V, Section 5.3.

Swimming pool.

### 2.10.4 Site Plan Approval

The uses listed in Section 2.10.2 and 2.10.3 0 above shall be subject to approval of a site plan by the Planning and Zoning Board, pursuant to Article IV, Section 4.4 and subject to the design standards set forth in relevant sections of Article V, prior to the issuance of any building permit.

### 2.10.5 Lot Area and Yard Requirements

The following dimensions are the minimum standards for any lot in the I-Industrial District:

Minimum lot area shall be one 1 acre.

Minimum lot width at front lot line shall be 200 feet.

Minimum lot depth shall be 200 feet.

Minimum front yard setback shall be 30 feet and where the front yard bounds a public or private road right of way, with the exception of entry and exit drives said front yard area shall be lawn or other maintained landscape.

Minimum side yard setbacks shall be 30 feet, except where a I-Industrial District abuts a R1 or R2 district, in which case the setback shall be 50 feet.

Minimum rear yard setback shall be 30 feet.

Maximum building height for any nonagricultural building or structure shall be 35 feet.

Maximum lot coverage by all structures including parking lots and other impervious surfaces shall be fifty (50) percent of the lot area.

No parking, outside storage or display, or other accessory use shall be permitted within any yard setback areas.

**ARTICLE III**  
**Definitions.**

**3.1 General**

For the purpose of this Zoning Law certain words shall have the following meanings unless otherwise required by the context:

1. Words used in the present tense include the future;
2. The singular number includes the plural, and the plural the singular;
3. The word “building” includes the word “structure”;
4. The word “occupied” includes the words “designed or intended to be occupied”; and
5. The word “used” includes the words “arranged, designed or intended to be used.”

**3.2 Definitions**

For the purpose of interpretation and enforcement of this Zoning Law, the following definitions shall apply.

Accessory building	A building subordinate to and clearly incidental to the principal building on the same lot, and used for purposes customarily incidental to those of the principal building.
Adult care, family	Any building used for the care, protection and supervision for fee, at least once a week, of not more than six (6) elderly or disabled adults for part of a 24-hour day by a resident of the dwelling, such care to include personal assistance, development of skills for daily living and opportunities for social contact, excluding, however, the care of an adult(s) given by relatives.
Adult care, group	Any building used for the care, protection and supervision for fee, more than once a week, of more than six (6) elderly or disabled adults for part of a 24-hour day by a resident of the dwelling, such care to include personal assistance, development of skills for daily living and opportunities for social contact.
Adult oriented business	1) An adult arcade where, for any form of consideration one (1) or more motion picture projectors, slide projectors, digital projectors are used to show films, motion pictures, video cassettes, slides or other film, analog or digital photographic reproductions which are characterized by emphasis on the depiction or description of

"specified sexual activities" or "specified anatomical areas" as defined in this Code; or

2) an adult bookstore in which fifty percent (50%) or more of its stock in trade and offers for sale, for any consideration, any of the following: (a) books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other film, analog or digital representations, which are characterized by emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined in this Code or (b) devices, equipment, instruments or paraphernalia which are designed for use in connection with "specified sexually activities" as defined in this code; or

3) a cabaret nightclub, bar, juice bar, restaurant or similar establishment which regularly features live performances characterized by exposure of "specified anatomical areas" as defined in this Code or by "specified sexual activities" as defined in this Code, or films, motion pictures, video cassettes, slides or other film, analog or digital photographic reproductions which are characterized by emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined in this Code;

4) an adult motion picture theatre where, for any form of consideration, films, motion pictures, video cassettes, slides or other film, analog or digital photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined in this Code; or

5) an adult theatre, concert hall, auditorium or similar establishment, which for any form of consideration, regularly features live performances characterized by the exposure of "specified anatomical areas" as defined in this Code or by "specified sexual activities" as defined in this Code; or

6) an adult video store, an establishment where any explicit sexual films are sold; or

7) an escort agency or sexual encounter center where sexual services are provided to clientele; or

8) a massage parlor where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or other manipulation of the human body is

administered, unless done by a physician, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of New York, or except where massage or similar manipulation of the human body is offered as an incidental accessory service by an athletic club, health club, school, gymnasium, spa or similar establishment.

Agricultural building	A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
Agricultural commerce	A retail or wholesale enterprise operated as an accessory use to an active farm on the same premises providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations, and including breweries, cideries, wineries, greenhouses, nurseries, and roadside stands that are not otherwise specifically defined as a farm operation.
Agricultural tourism	As defined in Article 25AA, Section 301 of the New York State Agriculture and Markets Law.
Airport	An area of land or water set aside and designed for the landing and take-off of aircraft, that is regulated by the Federal Aviation Administration (FAA), and that includes facilities necessary for the housing and maintenance of aircraft.
Airstrip, private	An area of land or water set aside and designed to be utilized by the owner of the property for the landing and take-off of aircraft, and that includes facilities necessary for the housing and maintenance of aircraft.
All-weather surface	Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes or pooling of water. (See also "impervious surface.")
Amusement park	A facility providing rides, games, variety shows and other forms of entertainment, and food and drink for the amusement of the general public.

Antenna, non-commercial	A pole, tower or pylon structure, constructed for the personal use of an occupant of the premises to receive or transmit radio, television or other broadcast signals.
Assisted living facility	One or more buildings or portions thereof housing persons on a 24-hour basis who because of age, mental disability, addiction or other reasons live in a supervised residential environment that provides personal care services, but who nonetheless are capable of responding to an emergency situation without any physical assistance from staff, including but not limited to residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol- and drug-abuse centers and convalescent facilities.
Bar	An establishment primarily engaged in the retail sale of alcoholic drinks such as beer, ale, wine and liquor, for consumption on the premises.
Bed and breakfast	An owner-occupied residence resulting from a conversion of a single unit dwelling, used to provide overnight accommodations and a morning meal to not more than ten (10) transient lodgers and containing not more than five (5) bedrooms for such lodgers.
Building	Any structure used or intended for supporting or sheltering any use or occupancy.
Building coverage	The ratio of the total footprint area of all buildings, whether defined as an accessory or principal building, on a lot of record to the area of said lot, which shall be expressed as a percentage (%). Driveways, walkways, and parking areas for a single-family or two-family dwelling on the lot are excluded from the calculation of lot coverage.
Building height	The vertical distance from the lowest point of the exterior of a building wall in contact with finish grade to the highest point of a building or structure, excluding chimneys and antennae.
Building, principal	A building that is occupied by the principal use of the lot of record on which it is located.
Camper	A dwelling designed and used for temporary residence mounted on a chassis designed to be towed or mounted on a truck for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities. See also "motor home." (See also "motor home.")
Campground	Any parcel of land on which are located two (2) or more cabins, tent sites, shelters, travel sites or other accommodations of a

	design or character suitable for seasonal or other temporary living purposes, and which is used for economic gain.
Campground, group	Any land or facility for seasonal housing and recreational, educational or business-related use by private groups or semi-public groups, such as a boy or girl scout camp, fraternal lodge, university or college conference center, or religious camp or conference center.
Caterer	A person or enterprise for hire that prepares food for consumption predominately off-premises.
Child care, family	The care, protection and supervision for fee, more than once a week, of not more than six (6) children at any one time by a resident of a dwelling. Children of the resident under the age of sixteen (16) shall be counted in determining the number of children being cared for.
Child care, group	The care, protection and supervision for fee, more than once a week, of more than six (6) but not more than twelve (12) children at any one time. If conducted within a dwelling by a resident of said dwelling, children of the resident under the age of sixteen (16) shall be counted in determining the number of children being cared for.
Child care center	A building used for the care, protection and supervision for fee, more than once a week, of more than twelve (12) children at any one time. If conducted within a dwelling by a resident of said dwelling, children of the resident under the age of sixteen (16) shall be counted in determining the number of children being cared for.
Clinic	A building designed and utilized in the diagnosis and treatment on an outpatient basis only of persons who are sick or injured, providing clinical, surgical and laboratory medical services.
Cluster Subdivision	A form of residential development, including cooperatives, condominiums and dwelling units sited on lots which may be smaller than permitted under the provisions of the zoning district within which the proposed subdivision is located, but where the number of dwelling units shall in no case exceed the number which could be permitted, in the Planning and Zoning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements applicable to said zoning district in which such land is situated.
Code Enforcement Officer	The person or their designee appointed by the Town Board and charged with the authority and responsibility for enforcing the provisions of this Zoning Law and the decisions of the Board of Zoning Appeals.

Community center	A place, structure or other facility used for fraternal, social, educational and recreational programs generally open to the public and intended to serve significant segments of the community.
Condominium	A form of real estate ownership in which a party owns one (1) or more dwelling units or other enclosed space, and together with the other owners dwelling units or enclosed spaces owns an undivided interest in the common elements of the building or development. Common elements generally include the land on which the building stands, the lobby, public halls, driveways, access roads and parking areas, and the electrical, mechanical, heating and air conditioning systems that service the building and grounds.
Conference center	A building or structure designed and available to rent to persons, businesses or organizations for the purpose of one (1) or more group meetings, social events, exhibitions or other large gatherings. Restaurant or cafeteria facilities may be included in such a building or structure.
Cottage industry	A manufacturing, construction, repair or other service enterprise owned and operated by a resident of the principal dwelling on the premises, but which is not engaged in retail sales on the premises, and which does not employ more than five (5) persons on site not residing on the premises.
Cul-de-sac	A road or a portion of a road with only one vehicular traffic outlet.
Cultural center	A building to present exhibits of cultural, scientific or academic material, live theater and dance performances, musical concerts, cinema or lectures to the general public as a nonprofit enterprise.
Drive-through	Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a vehicle during such business transactions. A drive-through window facility is considered an accessory use to a commercial use such as but not limited to a bank or restaurant.
Dwelling	A building or portion thereof designed and used for human habitation, with an independent entrance and with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one (1) family, excluding tents, hotels, motels or other building designed for transient residence.
Fair	A competitive exhibition of agricultural products and animals, usually with accompanying food and merchandise vendors, displays, entertainment and amusements.



Family	An individual or two (2) or more persons related by blood, marriage or adoption, or including foster children, occupying a dwelling unit and living as a single household. For the purpose of this Zoning Law, a family may also consist of not more than three (3) unrelated individuals occupying one dwelling unit. The two definitions can be combined.
Family child care	See “child care, family.”
Farm operation	The land and buildings, equipment, manure-processing and -handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including any other activity as defined in the Agriculture and Markets Law Article 25AA, Section 301, and timber processing as defined in this zoning law.
Feedlot	A structure, pen or corral wherein cattle, horses, sheep, goats or swine are maintained in close quarters for the purpose of fattening such livestock for shipment to market.
Finish grade	The level of the land at the point where the perimeter of a building or structure contacts the ground.
Flag lot	See “lot, flag.”
Fraternal organization	An organization of persons, excluding churches, mosques, synagogues, temples or other places of worship, formed for a specific purpose such as the promulgation of arts, literature, politics, civic involvement or other mutual interest, or out of a common experience or heritage, but not operated for profit.
Frontage	The length of the boundary line of a lot abutting on the public highway right-of-way. In the case of lots that bound on a lake shore, the length of the boundary line abutting the lake on a line or lines running parallel to the general shoreline.
Fully shielded light	An outdoor light fixture shielded or fabricated so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
Garage, private	A building or a portion of a building where vehicles, excluding aircraft, used by the occupants of the principal building on a lot of record are stored. For the purposes of this Zoning Law, this definition shall also include carports and similar type of private vehicle storage buildings.
Glare	Light emitting from a luminaire with intensity great enough to reduce the viewer’s ability to see, and in extreme cases with intensity great enough to cause momentary blindness.

Handicapped person	See “person with disabilities.”
Handicraft item	An object that requires use of the hands, hand tools and human craft skills for its production, and which is usually not adaptable to mass production by mechanical means.
Health club	A private gymnasium, athletic, fitness, health or recreational facility, or reducing salon or weight-control establishment.
Home occupation	An occupation, profession, activity or use performed by the resident that is clearly a customary, incidental and secondary use of a residential property, including but not limited to dressmaking; hairdressing; cooking, baking, and meal preparation for consumption off-premises; wholesale or retail sales not involving the display of goods; wood- and metalworking; word- and data-processing; and which does not affect the use of the property for residential purposes or alter the exterior residential character of the property.
Hospice residence	A facility that is residential in character and physical structure and operated for the purpose of providing more than two hospice patients but not more than eight hospice patients with hospice care, which may include palliative and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness, and during dying and bereavement.
Hospital	A building designed and utilized for the purpose of medical diagnosis and treatment, including clinical, temporary, surgical, laboratory and emergency medical services in the diagnosis and treatment of persons who are sick or injured, and which may also provide overnight accommodations for persons who are sick or injured.
Hostel	An establishment providing transient, overnight accommodations, typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms and bathroom facilities.
Hotel	A multiple dwelling used primarily for the purpose of furnishing for compensation lodging, with or without meals, for transient guests, and which may provide additional services such as restaurants, meeting rooms, recreational facilities and shops for the sale of gifts and incidental items to guests.
Improvements	Any action which cause a physical change to be made to a development site as part of an approved subdivision or site plan including but are not limited to public utilities, roads, sidewalks,

landscaping and buffering, lighting, parkland and recreation equipment, and monuments.

Industry, extractive

The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes used for the extraction or removal of minerals from their original location and the preparation such as washing, cleaning, crushing, stockpiling or other processing at the mine location that makes a mineral suitable for commercial, industrial or construction use. For the purpose of this Zoning Law, borrow pits (excavations for removing material for filling operations) which exceed 2,000 tons in a one (1)-year period are considered extractive industry.

Industry, home

A manufacturing, construction, transportation including freight transportation, or service enterprise owned and operated by a resident of the principal dwelling on a lot, but which is not engaged in retail sales, product distribution, or services on the premises, and which does not employ more than five (5) persons on site not residing on the premises.

Industry, light

The manufacture of finished products or parts predominantly from previously processed or prepared materials, including processing or fabrication, assembly, treatment, packaging, incidental storage, or sales and distribution of such products.

Inn

See "hotel."

Junkyard

Any place of storage of, or deposit, whether in connection with another business, or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, or an open area of wastes, used and secondhand materials including but not limited to building materials, scrap metal, plastic, paper, rags, glass, broken appliances and electronic equipment, rubber tires, bottles, refuse, inoperative machinery, and other debris, whether for the purpose of resale or reclaiming for use of some or all of the materials therein, or for disposing of the same, or for any other purpose.

For the purpose of this Code, the storage or deposit of unregistered, old, or secondhand motor vehicles, inoperative machinery, tires and other refuse, wastes and debris generated by or used on the premises by any ongoing agricultural operation, as determined by the Commissioner of Agriculture and Markets, is not considered a junkyard.

Kennel

Any building or lot where four (4) or more dogs are raised and/or boarded for the purpose of sale, breeding, training or exhibition,

	or are boarded for a fee or are sheltered for humanitarian reasons.
Light fixture	The assembly that houses a lamp or lamps and which can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
Life-care facility	A facility for the residency of persons aged 55 or older and/or persons with disabilities that includes one or more of the following features or services: individual dwellings; congregate apartments where residents may share common meals; nursing home facilities; laundry services; common recreational facilities; and other personal services.
Lot	A parcel of land that may be occupied by one (1) or more principal buildings and accessory buildings for uses customarily incidental to the principal buildings, including such open spaces as are used in connection with the principal building or buildings.
Lot, corner	A lot or parcel of land abutting two (2) or more public or private road or highway rights-of-way at their intersection, or on two (2) sections of the same road or highway.
Lot, flag	A lot meeting the minimum lot area, lot width and lot depth requirements of the zoning district within which it is located, and which is connected to a public road or highway right-of-way by a strip of land that is at least 50 feet wide its entire length, and has at least 50 feet of frontage on a public or highway or private road.
Lot area	All of the land between the boundary lines of a lot but not including any portion of the public highway right-of-way that may be included in the deed description of said lot.
Lot coverage	See "building coverage."
Lot depth	The distance between a point on a public highway right-of-way line and the rear of the lot measured perpendicularly from the street line. A lot need meet the minimum depth requirements set forth in this chapter at only one point and not uniformly throughout the lot's entire width.
Lot line	Boundary line of a lot.
Lot line, front	The lot line or lines of a parcel of land coterminous with a public highway right-of-way or private road, or approximately parallel to and nearest to a public highway right-of-way or private road as determined by the Code Enforcement Officer, or, in the case of lots that bound on a lake shore, the line coterminous with or approximately parallel to the published mean high-water line.

Lot line, rear	The lot line or lines of a parcel of land on the opposite side of said parcel from a public highway right-of-way or private road, or on the opposite side of said parcel approximately parallel to and nearest to a public highway right-of-way or private road as determined by the Code Enforcement Officer.
Lot line, side	Any lot line that is not a front or rear lot line.
Lot width	The shortest distance between the side lot lines, measured from the point where each side lot line intersects with the minimum front lot setback line.
Luminaire	A complete lighting system, including a lamp or lamps and the attendant light fixture.
Manufactured home park	A parcel of land under single ownership that has been improved for the purpose of renting or leasing sites for the placement of manufactured housing, excluding condominium or cooperative communities.
Marina	A public or private facility operated for the purpose of the sale of watercraft and marine accessories, supplies and fuel; the rental or charter of watercraft, marine equipment, dock and mooring space; winter storage; service and repair of marine equipment and watercraft; and launching of watercraft.
Motel	A multiple dwelling used primarily for motorists, not over two (2) stories in height, in which the exit from each dwelling unit or sleeping room is directly to the exterior. The term includes but is not limited to the terms motor court, motor hotel, and tourist court.
Motor home	A dwelling designed for temporary residence mounted on a self-propelled chassis designed for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities. (See also "camper.")
Nonconforming use	A building, structure or use of land existing at the time of the enactment of this Zoning Law which does not conform to the zoning regulations of the district in which it is situated.
Nursing home	An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
Outdoor recreation club	A building, facility or lands owned and maintained by a membership organization for the purpose of providing outdoor recreational opportunities for members and their guests,

including activities such as trap shooting, target shooting and archery, for both practice and competition, hunting and trapping, all-terrain vehicle, snowmobile and other off-road motor vehicle trails, provided however that no motorized racing is involved, as well as kitchen and dining facilities for the use and benefit of the members and to further the purposes of the organization.

Outdoor storage	The keeping within an unenclosed area of any goods, material, merchandise and/or vehicles in the same place for more than twenty four (24) hours as part of a commercial or industrial enterprise.
Park	A parcel of land in public or private ownership available to the public for daytime and evening recreational, educational, cultural or scenic purposes, intended for use by residents living within a few miles of the facility.
Pavement	See "all-weather surface."
Person with disabilities	A person having a physical or mental impairment that substantially limits one or more of the person's major life activities so that such a person is incapable of living independently; possessing a record of having such an impairment; and being regarded as having such an impairment. This term, however, does not include current illegal use of or addiction to a controlled substance, nor does it include any person whose presence would constitute a direct threat to the health and safety of other individuals.
Preserve	A tract of land dedicated to the protection of one or more scenic or environmental attributes, including but not limited to flora, fauna, geological features, lakes, streams, wetlands or other hydrological features.
Principal building	The building on a lot which provides housing for the owner or tenants, or, in a business or industrial zoning district, the largest building on the lot.
Professional office	The place of business or practice of an accountant, architect, landscape architect or other design professional, doctor or other duly licensed medical practitioner or therapist, dentist or orthodontist, engineer, insurance agent, lawyer, real estate agent or broker, securities broker or similar profession, or the place of business or practice of a group of such professionals operating as a partnership, corporation or other legal business arrangement.
Recreational vehicle	See "motor home" and "camper."

Religious use	Any building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.
Research and development	A business or facility dedicated to research, investigation, enterprise, experimentation, testing and product development, including but not limited to computer software, data compilation and manipulation, but not including facilities for manufacturing, distribution or sales of products, except as an incidental activity.
Residence, farm worker	A temporary or permanent structure that is clearly accessory to an agricultural operation and occupied by farm workers employed on the premises and their families.
Residence, manufactured home	A single-family dwelling which is factory-built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and which is transportable in one or more sections, (e.g. single-wide, double-wide) is affixed to a chassis with axles and wheels, and is designed to be placed on a permanent or temporary foundation.
Residence, multiple-family	A building or structure situated on a single lot and containing three (3) or more dwelling units.
Residence, seasonal	A building designed as a single unit dwelling but it is utilized for occasional human occupancy, which shall not be greater than six (6) months in any calendar year. Said dwelling may lack one or more of the basic amenities or utilities required for year-round occupancy or use such as a permanent heating system, insulation, and/or year-round usable plumbing. For the purposes of this Zoning Law, a seasonal dwelling shall have the same use classification as a single unit dwelling when determining if it is a permitted, prohibited or special permit use for the subject zoning district.
Residence, single-family	A building or structure situated on a single lot and containing one (1) dwelling unit, including manufactured homes.
Residence, two-family	A building or structure situated on a single lot and containing two (2) dwelling units, including manufactured homes.
Residence, townhouse	A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from the foundation to the roof and with open space on at least two (2) sides.

Residential co-op park	A residential development in which the owners of dwellings have exclusive use of a portion of the real property, and share ownership and maintenance of those portions of the property owned in common or by a corporation or cooperative.
Restaurant	An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, where the sale of alcoholic beverages is incidental to the sale and consumption of food, and where customers are served their food and beverages by a restaurant employee for consumption: (a) at the same table or counter at which the food or beverages are served, or (b) elsewhere within the building, or (c) within a motor vehicle parked on the premises, or (d) off the premises as carry-out orders.
Road	A street, avenue, lane, highway or other public way; a public right-of-way improved or intended to be improved for traffic. A private drive is not considered to be a road.
Road, dead-end	A road or a portion of a road with only one vehicular traffic outlet.
Roadside stand	A temporary or permanent accessory structure, wagon or trailer, not exceeding 240 square feet in size, for the purpose of retail sale of produce, baked goods and handicraft items to the public.
Sawmill	A facility, generally operating on one (1) or more full-time work shifts, five (5) or more days per week, constructed for the processing of timber logs into forestry products such as milled lumber, cants, treated posts, firewood and wood by-products such as slab wood, wood chips, bark chips and sawdust, and including planing and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations.
Setback	The distance between any building on a lot or parcel of land and a property line. The highway right-of-way shall be deemed a property line for the purpose of measuring setback.
Side yard	See "yard, side."
Sign	Any device, object or building façade or portion thereof that is used to advertise or call attention to a place, business, person, event, product or service offered. For the purposes of this Zoning Law, posters, banners or other advertisements displayed from the interior of a premise are not considered signs.
Sign face	The surface or side of an outdoor advertising sign on which advertising for goods, services or places is displayed, and including



	both the surface on which advertising is placed and any surrounding frame and decorative trim.
Sign, business directional	Any sign, not exceeding nine (9) square feet per side in area, posted by a business along a public road or highway for the purpose of guiding prospective customers to their location.
Sign, free-standing	Any non-movable sign not affixed to a building.
Sign, off-premises	Any sign that is used to advertise or call attention to a place, business, person, event, product or service offered at a location or locations different from the lot or parcel of land on which the sign is located.
Site plan	A plan for the development or use of one (1) or more lots or parcels of land that is prepared and presented to the Town for site plan review and consideration of approval pursuant to applicable sections of this Zoning Law.
Skirting	Siding that covers the area from the ground to the base of a manufactured home or porch.
Solar energy system, non-commercial	A panel or array comprised of photovoltaic cells used for the conversion of solar radiation to electricity for use on the property on which it is located, but which also may be configured in a manner to permit the sale of excess electricity produced to customers located off the premises, or any structure or device used for the conversion of solar radiation to heated air or heated water for use on the property on which it is located.
Specified sexual activities	Human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse, sodomy, nude dancing or lap dancing; or fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
Specified anatomical areas	Less than completely covered and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state even if completely and opaquely covered.
Stable, commercial	A facility where one (1) or more horses are kept for riding, driving, training, breeding or sale, or are boarded for a fee, including indoor and outdoor riding arenas and paddocks, and where more than 50 percent of feed, bedding and other supplies are produced at off-premises locations, and manure and other wastes are disposed of off-premises.

Storage facility, self-service	A building comprised of small self-contained units that are leased to individuals or businesses for the storage of household or business goods and supplies.
Stream	For the purposes of this Zoning Law, a water course that carries water for six (6) months or more throughout a year.
Structure	Anything that is constructed or erected on the ground or upon another structure or building; or anything that is constructed or erected underground and projects up to the ground surface or above, or anything that is constructed or erected wholly underground with the exception of utility lines, septic and water systems, or other similar types of underground construction wholly ancillary to a principal building or structure on the premises, or underground graves, vaults or other underground facilities for the interment of bodies.
Structure, nonconforming	A structure that was lawfully established prior to the effective date of this Chapter or its subsequent amendments, which no longer meets an applicable provision of this Chapter.
Structure, shoreline	A structure on a lot of record that is located at the water's edge or extending into the lake, including but not limited to docks, boathouses and shoreline protection structures.
Swimming pool	An artificial body of water or receptacle for water over two (2) feet in depth at any point or having a surface area exceeding 100 square feet and used or intended to be used for swimming or bathing and including all appurtenant docks, walks and equipment constructed, installed and maintained in or above the ground outside the principal structure to which the pool is an accessory use; and further, maintained by a) an individual, for the sole use of household guests, or b) a hotel, motel or bed and breakfast inn for the sole use of their guests, or c) by a membership club or organization for the sole use of its members and their guests, or d) a multi-family or condominium residential development or manufactured home park, for the sole use of residents and their guests.
Tavern	See "bar."
Temporary building	A structure used for office, sales, storage or fabrication activities related to the development of a site for residential purposes that is placed on a lot or tract of land for a period of not more than one (1) year.
Timber processing	The on-farm processing of timber grown on a farm operation into woodland products, including but not limited to logs, lumber,

	posts and firewood, through the use of a readily moveable, nonpermanent saw mill.
Townhouse	A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from the foundation to the roof and with open space on at least two (2) sides.
Warehouse	A building used primarily for storage of goods and materials, also referred to as wholesale distribution center or truck terminal.
Wind energy system, non-commercial	A machine that converts the kinetic energy of wind into electrical energy, the pole, tower or pylon on which it is mounted, and associated control and supporting structures, built primarily for the purpose of generating electricity for use on the property on which it is located but which also may be configured in a manner to permit the sale of excess electricity produced to customers located off the premises.
Yard	The unoccupied space, open to the sky, within a lot containing one (1) or more buildings.
Yard, front	The land between the public highway right-of-way and the front line of the principal building on a lot and extending to the side lot lines of the lot. In the case of lots that bound on a lake shore, the land between the published mean high-water line and the principal building and extending to the side lot lines of the lot.
Yard, side	The land between the principal building and the side lot lines of a lot, and extending through from the front yard to the rear yard.
Yard, rear	The land between the rear lot line of a lot and the rear line of the principal building on a lot and extending to the side lot lines of the lot.
Zoning district	A portion of the territory of the Town of Springport shown on the Zoning Map and designated for a specific land use or uses, and within which certain yards and open spaces are required and certain height limits are established for buildings, as provided for in this Zoning Law.

## **Article IV**

### **Administration**

#### **4.1 Planning and Zoning Board**

##### **4.1.1 Establishment**

There is hereby established a Planning and Zoning Board consisting of seven (7) persons who shall function in the manner prescribed by law.

The members of the Planning and Zoning Board shall be appointed by the Town Board to serve staggered terms as provided for in Town Law. Vacancies occurring in said board by expiration of term or otherwise shall be filled in the same manner.

The Town Board shall designate the chairman of the Planning and Zoning Board. The Board shall choose its vice-chairman, who shall preside in the absence of the chairman. In the absence of both the chairman and the vice-chairman, the Planning and Zoning Board shall choose one of its number as acting chairman. Such chairman, or the party acting in his or her stead during his or her absence, may administer oaths and compel the attendance of witnesses.

The Planning and Zoning Board shall appoint a secretary who shall take minutes of all its meetings and keep its records.

The Planning and Zoning Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Law, and all its resolutions and orders shall be in accordance therewith.

The Planning and Zoning Board is hereby charged with carrying out the functions provided for in Section 274(a) of Town Law: to review and approve, approve with modification and conditions, or disapprove site plans. The Planning and Zoning Board may be charged with additional specific activities by resolution of the Town Board.

The Planning and Zoning Board is hereby charged with carrying out the functions provided for in Section 267(b) of Town Law, in accordance with the provisions hereinafter contained in this Section, hold public hearings to determine appeals from any refusal of a building permit or statement of compliance by the Code Enforcement Officer, or review any order, decision, interpretation or refusal thereof of the Code Enforcement Officer, where such order or decision is based upon the requirements of this Zoning Law. An appeal must be made within the time prescribed by the rules of the Planning and Zoning Board.

##### **4.1.2 Site Plan Approval**

Whenever the provisions of this Zoning Law require the approval of a site plan, prior to issuance of any building permit a proposed site plan shall be submitted to the Planning and Zoning Board for its review and approval. No site plan approval shall be granted and no building permit shall be issued for any proposed improvements that would be in violation of use restrictions, required yard setbacks, lot coverage limits or any other provisions of this Code.

#### 4.1.3 Area Variances

The Planning and Zoning Board may hear an appeal for an Area Variance to relieve dimensional or similar requirements. In considering the grant of an area variance the Board shall comply with the criteria for the granting of such variances set forth in Town Law Section 267(b) as amended from time to time.

#### 4.1.4 Use Variances

The Planning and Zoning Board may hear an appeal for a Use Variance to consider allowing a use not permitted by the Zoning Law. In considering the grant of a use variance the Board shall comply with the criteria for the granting of such variances set forth in Town Law Section 267(b) as amended from time to time.

#### 4.1.5 Interpretation

The Planning and Zoning Board may hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of the Zoning Law in accordance with Town Law Section 267(b) as amended from time to time.

### **4.2 Site Plan Review**

#### 4.2.3 Site Plan Review and Approval Procedure

The procedures set forth in this section apply to the certain activities that are identified in Article III as “allowed by site plan approval” and also certain activities that are identified as “allowed by special permit” because the nature of these activities, their location and effect on the surrounding environment warrants detailed evaluation of a site plan before development is allowed.

The Planning and Zoning Board reserves the right to request additional information related to any application for site plan approval as considered reasonably necessary, and may choose to waive specific requirements in certain situations if at its discretion it determines that the lack of such information is not a hindrance to its consideration of the proposed site plan. The application will be deemed complete upon receipt of all requested additional information.

#### 4.2.4 Sketch Plan Conference

At the request of the applicant, a sketch plan conference may be held between the Planning and Zoning Board and the applicant to review the basic site design concept and generally determine the information to be required for preliminary site plan approval. At the sketch plan conference, the applicant should provide the information below:

1. A statement or a rough sketch describing what is proposed;
2. An area map or satellite image showing the parcel under consideration for site plan review, and all properties, subdivisions, streets and easements within 100 feet of the boundaries thereof;
3. A map of site topography at no more than 5 foot contour intervals. If general site grades exceed five percent or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than 2 feet of elevation should also be provided.

#### 4.2.5 Application for Preliminary Site Plan Approval

An application for preliminary site plan approval shall be made in writing to the Planning and Zoning Board and shall be accompanied by the following information:

1. A completed and signed application form;
2. Two (2) full-size prints of the proposed site plan and ten (10) reduced copies of the proposed site plan on paper sheets no larger than 11 inches by 17 inches;
3. Any other written or graphic information that may be necessary to describe the proposed action;
4. Completed and signed Part I section of the Short Environmental Assessment Form (SEAF) or the Long Environmental Assessment Form (LEAF), as determined by 6NYCRR Part 617;
5. Payment for all application fees as established by resolution of the Town Board.

Ten copies of the preliminary site plan shall be presented to the Planning and Zoning Board at the time of submission of the preliminary site plan.

The application for site plan approval shall not be deemed complete until the Code Enforcement Officer receives all of the above. Once the Code Enforcement Officer deems the application complete it shall be turned over to the Chair of the Planning and Zoning Board.

#### 4.2.6 Preliminary Site Plan Checklist

The proposed site plan shall be at a detail sufficient to convey all necessary site and design information including the following:

1. Title block showing name of project, title of each drawing, name and address of applicant and person responsible for preparation of the drawing, and date of drawing;
2. North arrow and drawing scale in graphic form;
3. Boundaries of the property plotted to scale, including metes and bounds;

4. Existing watercourses, both natural and manmade, as well as water bodies and wetlands;
5. Location and description of all existing vegetation on the site;
6. Location of all adjacent streets and highways, both public and private;
7. Size, location, design and construction materials of all existing buildings and structures, access drives, above- and below-ground utilities, and other existing improvements to the site, if any;
8. Size, location, design and proposed use and height of all proposed buildings, including elevation plans for all proposed structure(s);
9. Location, design and construction materials of all parking and truck loading areas, showing access and egress, as well as all proposed access drives;
10. Proposed provisions for pedestrians;
11. Location and design of outdoor storage areas or facilities, if any;
12. Proposed grading and drainage plan, including existing and proposed contours and spot elevations;
13. Location, design and construction materials of all existing or proposed site utilities and other improvements, including drains, culverts, retaining walls, fences, above- and below-ground utilities, and stormwater management facilities;
14. Description of the method of waste disposal sewerage treatment and disposal and location, design, and construction materials of such facilities;
15. Description of the method for securing public potable water and location, design, and construction materials of such facilities;
16. Location of any fire and emergency zones, including location of fire hydrants;
17. Location, design and construction materials of all energy distribution facilities, including electrical, gas, and solar or wind energy systems;
18. Location, size, design and construction of all proposed signs;
19. A landscaping plan and plant materials schedule, including locations and types of planting materials, and location and proposed development planting plan for all vegetated buffer areas, as defined in this Code, including existing vegetative cover;
20. Location and design of all proposed outdoor lighting facilities;

#### 4.2.7 Review of Preliminary Site Plan

In addition to the relevant design standards set forth in Article V, the Planning and Zoning Board review of a preliminary site plan shall include, as appropriate, the following general considerations:

1. Adequacy and arrangement of vehicular access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, provisions for persons with disabilities, and overall pedestrian convenience;
3. Location, arrangement, appearance and sufficiency of off-street parking and loading areas;
4. Location, arrangement, size, design and general site compatibility of buildings and lighting and signs;
5. Adequacy of drainage and stormwater management facilities;
6. Adequacy of water supply and sewage disposal facilities;
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual buffer and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation for all vegetated buffer areas, as defined in this Code;
8. In the case of an apartment complex or other multiple dwelling, a multi-family housing or manufactured home park site plan, the adequacy of useable open space for play areas and informal recreation;
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
10. Adequacy of any fire lanes and other emergency zones and the provision if applicable of fire hydrants; and

#### 4.2.8 Public Hearing

The Planning and Zoning Board shall conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by the Planning and Zoning Board, The public hearing shall be conducted within 62 days of the receipt of the a completed application for preliminary site plan approval, and shall be advertised in the official Town newspaper at least five days before such hearing. The applicant must shall be notified at least ten days before the public hearing.

#### 4.2.9 Action on Preliminary Plan

Within sixty-two days after the date of such public hearing the Planning and Zoning Board shall act on the preliminary site plan. If no decision is made within the sixty-two day period, the preliminary site plan shall be considered approved. The decision of the Planning and Zoning Board shall be in the form of a resolution or other written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved, or approved with modifications or conditions.



The Planning and Zoning Board shall file a copy of its resolution other written statement with the Town Clerk within five (5) days of the decision.

The Planning and Zoning Board's resolution or other written statement approving the preliminary site plan may include recommendations of desirable modifications reasonable conditions including modifications to the site plan to be incorporated in the final proposal, and conformance with specified modifications shall be considered a condition of preliminary site plan approval. If the preliminary site plan is disapproved, the Planning and Zoning Board's resolution or other written statement will shall contain the reason for such findings said action. In such a case the Planning and Zoning Board may recommend further study of the site plan and resubmission to the Planning and Zoning Board after it has been revised or redesigned.

#### 4.2.10 Final Site Plan Submission

Within six months after receiving preliminary site plan approval, with or without modifications, from the Planning and Zoning Board the applicant shall submit a final, detailed site plan to the Planning and Zoning Board for approval. If more than six months has elapsed since the date time of the Planning and Zoning Board's action on the preliminary site plan and if the Planning and Zoning Board finds that conditions may have changed significantly in the interim, the Planning and Zoning Board at its discretion may declare its preliminary site plan approval expired and require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

A final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any conditions or modifications that may have been recommended directed to be made by the Planning and Zoning Board in its preliminary site plan review. All such compliances shall be clearly indicated by the applicant on the appropriate submission. Any minor changes or deviations from the preliminary site plan that are part of the final site plan shall also be clearly indicated by the applicant on the appropriate submission.

An application for final site plan approval shall be made in writing to the Planning and Zoning Board and shall be accompanied by the following information:

1. Record of application for and approval status of all necessary permits from federal, state, and county officials;
2. Detailed design drawing of all proposed improvements reflecting any changes made due to conditions imposed with the preliminary approval;
3. Detailed sizing and final material specification of all required improvements, including landscape materials and outdoor lighting fixtures;
4. An estimated project construction schedule
5. A completed and signed application form;
6. Two (2) full-size prints of the proposed site plan and ten (10) reduced copies of the proposed site plan on paper sheets no larger than 11 inches by 17 inches;

7. Any other written or graphic information that may be necessary to describe the proposed action, including any revisions or modifications made since receipt of preliminary site plan approval;
8. Payment for all application fees as established by resolution of the Town Board.

The application for final site plan approval shall not be deemed complete until the Code Enforcement Officer receives all of the above. Once the Code Enforcement Officer deems the application complete it shall be turned over to the Chair of the Planning and Zoning Board.

#### 4.2.11 Public Hearing

Within 62 days of the receipt of a completed application for final site plan approval, the Planning and Zoning Board shall conduct a public hearing, which shall be advertised in the official Town newspaper at least five days before such hearing. The applicant must shall be notified at least ten days before the public hearing.

#### 4.2.12 Action on Final Site Plan

Within sixty-two days after the date of the public hearing for a final site plan, the Planning and Zoning Board shall render a decision to the Code Enforcement Officer. If no decision is made within the sixty-two day period, the final site plan shall be considered approved as submitted. The decision of the Planning and Zoning Board with regard to final site plan approval shall be in the form of a resolution or other written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved, or approved with modifications or conditions.

The above notwithstanding no approval of any final site plan for any land use subject to special permit review and approval shall be granted prior to the grant of said special permit.

Upon approval of the final site plan, completion of all modifications to the final site plan as directed by the Planning and Zoning Board as condition(s) of its approval, compliance with any other Planning and Zoning Board conditions of approval, and payment of all application fees and reimbursable costs due to the municipality Town of Springport, the Planning and Zoning Board Chair shall endorse the Board's approval on a copy of the final site plan.

Upon disapproval of a final site plan, the Planning and Zoning Board shall notify the applicant in writing of its decision within ten days of said decision. The Board shall state its reasons for disapproval to the applicant in writing by its resolution or other written statement of record.

#### 4.2.13 Consultation on Proposed Site Plan

At its sole discretion, the Planning and Zoning Board in the review of an application for preliminary or final site plan approval may consult with agencies or individuals, including but

not limited to the Code Enforcement Officer, fire commissioners, conservation advisory committee, commission of public works, other local and county officials, in addition to representatives of federal and state agencies including the USDA Natural Resource Conservation Service, Cayuga County Soil and Water District, the State Department of Transportation, and the State Department of Environmental Conservation.

Additional consultation where fees are involved requires approval by the Town Board. Such fees shall be borne by the applicant.

#### 4.2.14 Submission of Final Detailed Site Plan

After receiving approval, with or without conditions, from the Planning and Zoning Board on a site plan, the applicant shall submit a final, detailed site plan to the Code Enforcement Officer for verification before a building permit will be issued.

If more than twelve (12) months has elapsed between the time of the Planning and Zoning Board's decision on the proposed site plan and the submission of the final detailed site plan, the Planning and Zoning Board may require a resubmission of the proposal.

#### 4.2.15 Performance Guarantee

The Code Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with Public Works officials and other officials and agencies as appropriate.

Prior to the issuance of a Certificate of Occupancy and/or Site Plan Compliance Certificate, the applicant shall complete all required improvements to the satisfaction of the Code Enforcement Officer, who shall file with the Planning and Zoning Board a letter signifying the satisfactory completion of all improvements required by the Planning and Zoning Board.

In the instance when all improvements shown on the approved site plan are not yet completed, the Code Enforcement Officer may issue a Certificate of Occupancy and/or Site Plan Compliance Certificate upon:

1. The deposit by the applicant with the Town Clerk of a certified check in an amount set by the Planning and Zoning Board to cover the full cost of the required improvements, or
2. The filing by the applicant with the Town Clerk of a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 274(a) of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety. A period of one (1) year, or such other period as the Planning and Zoning Board may determine appropriate, not to exceed three (3) years, within which required improvements must be completed shall be set forth in the bond.

#### 4.2.16 Modifications to Approved Site Plans

If at any time subsequent to the approval of a final site plan by the Planning and Zoning Board an applicant or property owner desires to modify the site plan as approved, an application with the revised site plan shall be submitted to the Planning and Zoning Board for its consideration of approval. The Planning and Zoning Board shall hold a public hearing on said application of the proposed site plan, and impose any conditions, modifications or additional requirements upon the approval as it may determine appropriate in the furtherance of this Zoning Law and the Springport Comprehensive Plan.

Such modification may be made without resubmittal and approval by the Planning and Zoning Board, upon receipt of a building permit, if it:

1. does not involve a violation of any conditions imposed by the Planning and Zoning Board in its original grant of final site plan approval; and
2. does not involve the shift of the location of one or more buildings or structures a distance exceeding ten (10) feet in any one direction from the location shown on the final site plan as approved, provided, however, that such a shift does not result in an encroachment on any required yard setback or buffer area; and
3. does not alter the location of any proposed points of ingress into or egress from the site, or proposed traffic flow within the site; or
4. involves construction, alterations or renovations to the exterior of an existing building without any change in building footprint; and
5. is reviewed and approved by the Code Enforcement Officer and Planning and Zoning Board Chair.

## **Article V**

### **Design Standards**

#### **5.1 Purpose**

The purpose of the following design standards is to:

1. Provide applicants for approval from the Town Board, Planning and Zoning Board and Zoning Board of Appeals with guidance in understanding the requirements of the Zoning Law as it pertains to their proposed development.
2. Provide the various boards with clear guidance and parameters for approving or denying applications and to promote transparency and consistency in board decisions.
3. Promote high quality, aesthetically pleasing and environmentally sensitive development in the Town of Springport.

#### **5.2 Parking Standards**

##### **5.2.1 Offstreet Parking Requirements**

Offstreet parking facilities shall be provided according to the following Schedule A. These are the minimum parking requirements. No offstreet parking requirements may be met with parking spaces located on a public highway.

For any industrial or commercial use in the C-Commercial or I-Industrial zoning district there shall be one off-street loading space for each 20,000 square feet of floor area or portion thereof.

<b><u>Schedule A</u></b>	
Land Use	Spaces Required
Bakery, pasta shop	1 space/100 square feet retail floor area
Beautician, barber, similar personal care service	1 space/100 square feet shop area
Bed and breakfast establishment	greater of 1 space/sleeping room or 1 space/every 2 beds
Bowling alley	3 spaces/lane
Business or professional office	1 space/200 gross square feet of floor area, excluding mechanical or storage areas
Church, mosque, temple or other place of worship	1 space for every 4 seats
Community center, fraternal organization, clubhouse, hunting club	1 space/200 gross square feet of floor area, plus 1 space/employee
Funeral home	1 space for every 5 seats
Hospital, nursing home, residential care or assisted living center	0.5 space/bed, plus 1 space/3 employees
Hostel, hotel, motel, inn	1 space/each guestroom, plus 1 space/3 employees
Manufacturing	1 space/3 employees
Specialty service such as electrical, plumbing,, welding, appliance repair	1 space/500 gross square feet floor area
Residence, single-family	2 spaces/dwelling
Residence, two-family	2 spaces/1st dwelling, 1 space/2 <sup>nd</sup> dwelling
Residence, multi-family	1.5 spaces/dwelling
Retail store, bank or other financial institution	1 space/200 gross square feet floor area
Research and development enterprise	1 space/300 gross square feet floor area
Restaurant, tavern or bar	1 space/4 seats
Retail printing/self-service copy	1 space/500 gross square feet floor area
Retail lumber and building materials	1 space/5,000 square feet of interior & exterior display & storage space, plus 1 space/employee
Theatre, auditorium or other place of public assembly	1 space/5 seats
Warehouse or wholesale distribution facility	1 space/2 employees

## 5.2.2 General Parking Design Standards

Except in the case of single- and two-family dwellings, there shall be no parking allowed in any front yard, side yard or rear yard setback areas.

The minimum number of parking spaces required by this Code, for the land use occupying the premises, shall be maintained at all times. No parking spaces or vehicle travel lanes or aisle may be encroached upon in any way that may impair its function in providing required offstreet parking.

All off-street parking shall be paved, surfaced or covered with gravel or other all-weather surface and crowned or pitched so as to be well-drained.

Adequate access drives to provide ingress and egress to the parking lot shall be provided.

No parking space shall be less than nine (9) feet in width or less than twenty (20) feet in length. Parking spaces so designated for persons with disabilities shall meet the minimum requirements of the Americans with Disabilities Act.

Travel aisles with traffic in both directions shall be a minimum of 18 feet in width.

Parking lots designed for one-way traffic shall have a minimum aisle width of 12 feet if the angle of the parking spaces is forty-five (45) degrees from the direction of travel, and 18 feet if the angle of the parking spaces is greater than forty-five (45) degrees from the direction of travel

## 5.3 Sign Standards

### 5.3.1 General

All signs authorized by this Zoning Law may contain non-commercial, or free speech, copy in lieu of any other copy.

In any zoning district in the Town of Springport signs of a non-commercial nature exercising the First Amendment right of free speech of the owner of the property on which the signs are located are permitted, provided that such signs 1) do not exceed the maximum sign size permitted within the zoning district, and 2) the number of signs erected does not exceed the maximum permitted number for that district.

The following signs are permitted in any zoning district of the Town of Springport:

1. any sign required by law;
2. official signs required by a governmental agency or utility;
3. no more than one (1) sign, not exceeding eight (8) square feet in area, advertising the sale, hire or lease of a parcel of land and buildings located on the lot or parcel on which the sign is located;
4. no more than one (1) temporary sign, not exceeding eight (8) square feet in area, identifying the responsible architect, engineer or contractor placed on the premises where construction, repair or renovations are in progress;

5. no more than one (1) temporary sign for advertising the sale or rental of services or goods on the premises, not to exceed four (4) square feet in area.

All signs authorized by this Zoning Law shall be properly maintained in a safe condition, kept in good repair and painted as necessary to maintain their appearance. If an owner fails to properly maintain and keep in good repair and appearance any sign the Town Board may order removal of said sign after the owner has received written notice.

On a sign consisting of independent detached letters or symbols, or is otherwise irregular in shape, the area of the sign shall be determined by measuring the area within a polygon enclosing all such letters or symbols as they are intended to be installed.

No sign may be higher than the overall height of the structure of which it is an accessory, or 25 feet from the ground, whichever is higher.

Unless otherwise specified, no portion of any sign shall be closer than five (5) feet from any public road or highway right of way line.

### 5.3.2 Sign Illumination

Any sign that is illuminated from any light source other than an internal light source shall be illuminated by a fully shielded light source or sources, designed and placed in a manner that:

1. restricts the area of illumination to the sign face;
2. directs light in a downward manner;
3. prevents the casting of any glare or light from said source beyond the sign face in any upward direction, horizontally to the side of, or to the rear of the sign structure.

No light used to illuminate a sign shall be cast upward beyond a horizontal plane level with the light source, or onto any adjoining property.

No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.

In no case shall lighting for any sign be attached or located in a manner that permits the beams and illumination to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

### 5.3.3 Tracts with Multiple Buildings

In the case of parcels or tracts of land with multiple buildings, such as in the case of educational institutions, office parks, multi-family residential developments or similar developments, each building may have up to one freestanding sign identifying it or its tenant(s), said sign not to exceed 24 sq. ft. in area; and up to 1 façade mounted sign not exceeding 24 sq. ft. in area.



#### 5.3.4 Size and number of Signs Permitted

Signs used to advertise or call attention to a business, event, product or service offered on the premises, either freestanding or attached to the façade of a building are permitted subject to the limits on size and number listed in Schedule B and Schedule C on the following pages.

Advertising letters or symbols on opposite sides of a material or structure less than one (1) foot thick as measured from one sign face to the opposite sign face, except in the case of off-premises signs, shall be considered only one sign.

Any sign face providing pricing information, whether incorporated into a larger sign structure or freestanding, shall be subject to the number and area limits above.

#### 5.3.5 Off-Premises Signs

In any zoning district where off-premises signs are allowed the following standards shall apply:

1. in no case shall any sign face exceed one hundred sixty (160) square feet in area, nor shall any sign structure exceed twenty (20) feet in height;
2. there shall be no more than two (2) sign faces on any one (1) supporting structure, whether said faces are side by side, one on top of the other or back to back;
3. there shall be no off-premises sign structure sited within one-half (1/2) mile of any other off-premises sign structure;
4. there shall be no off-premises sign structure located within 100 feet of a residential zoning district of an adjacent municipality;
5. .

Any off-premises sign located along a New York State highway shall be placed in accordance with Title 17, part 150 of New York Codes, Rules and Regulations (17NYCRR Part 150).

**Schedule B**  
**Signs in C-Commercial District and I-Industrial District**

Type of Property or Business	Maximum Number of Signs Permitted	Maximum Permitted Area for Individual Signs	Maximum Total Permitted Sign Area - All Signs
stand-alone retail business appliance sales and service automobile marine and water oriented or machinery sales and service restaurant, bar, hotel, motel theatre, bowling alley, similar commercial indoor recreation establishment car wash or similar automobile care establishment printing, welding, plumbing & similar craft or service enterprise, lumber and building supplies, sales/service of agricultural & industrial equipment self-service storage facility.	Two (2) signs that may be freestanding or façade mounted, or both	50 sq. ft./sign	100 sq. ft.
retail businesses in a shopping center, sign(s) attached to facade	one (1)	50 sq. ft.	50 sq. ft.
retail gasoline sales stations retail gasoline sales/convenience store	Three (3) freestanding, one (1) façade sign	50 sq. ft./sign for freestanding signs; 40 sq. ft. for façade sign	80 sq. ft. for freestanding signs; 50 sq. ft. for façade sign
shopping center with multiple tenant stores	One (1) freestanding, one façade sign identifying the complex	100 sq. ft. for freestanding sign, including tenant directory; 100 sq. ft. for façade sign	200 sq. ft.
construction and other contractor offices extractive industry freight trucking enterprise sawmill, light industry research and development enterprise warehouse facility	Two (2) signs that may be free- standing or façade mounted, or both	50 sq. ft./sign	100 sq. ft.

<b>Schedule C</b>			
<b>Signs in AG-Agricultural District, R1-Residence District and R2-Waterfront Residence District</b>			
Type of Property or Business	Maximum Number of Signs Permitted	Maximum Permitted Area for Individual Signs	Maximum Total Permitted Sign Area - All Signs
adult care center, child care center bed and breakfast inn cemetery community center home occupation fire stations and other public buildings family adult care and family child care. fraternal organization hall, post, clubhouse golf course library, museum professional office public or private park public or private school, nursery school, institution of higher education residential care, assisted living, rehabilitation facility	One (1) sign that may be freestanding or façade mounted	16 sq. ft.	40 sq. ft.
agricultural commerce agricultural tourism campground, group campground religious use roadside farm stand	Up to one (1) freestanding and one (1) façade mounted sign	32 sq. ft.	50 sq. ft.
outdoor recreation club	One (1) sign that may be freestanding or façade mounted	24 sq. ft.	40 sq. ft.
multi-family development manufactured home park	Up to one (1) freestanding and one (1) façade mounted sign	24 sq. ft.	40 sq. ft.

**5.3.6 Business Directional signs**

Where business directional signs are permitted there shall be allowed no more than four (4) such signs within the Town of Springport for any one (1) business.

All business directional signs erected shall be designed and constructed to conform to New York State Department of Transportation specifications, including specifications related to breakaway sign posts.

No business directional sign shall exceed six (6) square feet in area, nor exceed eight (8) feet in height, and no business directional sign shall be placed more than 500 feet from the intersection at which prospective customers are being directed to turn off the road or highway along which said sign is located;

#### 5.3.7 Nonconforming Signs

Any sign in existence at the time of adoption of this Zoning Law shall be brought into conformance with this ordinance when modified, reconstructed or replaced.

### **Section 5.4 General Performance Standards**

#### 5.4.1 Bed and Breakfast Inns

Any bed and breakfast establishment shall be a single- or two family home and in addition be the residence of the proprietor(s).

The residential character of the home within which the bed and breakfast is located shall be maintained.

Full meal service may be provided however no food service shall be provided except to the guests of the bed and breakfast.

No parking shall be located within any front, side or rear yard.

#### 5.4.2 Buffer Areas, Fences and Vegetation Screens

Any vegetated buffer area required by this ordinance shall be planted and maintained with vegetation that results in a visual barrier that is at least six (6) feet in height from ground level.

Vegetation within any required buffer area may consist of maintained lawn, shrubs or trees. Plants selected for use in any required buffer areas should be species that are hardy to the Finger Lakes region and that are non-invasive. Shrubs when planted may be 2 to 4 feet in height and must achieve 6 feet in height within 3 to 5 years. Trees shall be 6 feet in height when planted.

All vegetated buffers shall be maintained in a manner that ensures an effective visual barrier at least six feet in height between the activities on the subject property and adjoining properties.

At the discretion of the Planning and Zoning Board, a fence may be substituted for vegetation to achieve the required six (6) foot high visual screen, provided, however, that:

1. the width of the buffer area is not reduced below the minimum required by this ordinance;
2. the remaining portions of the buffer area shall be planted and maintained with vegetation;

Any vegetated buffer required by this ordinance shall be planted or built prior to the issuance of any certificate of compliance by the Code Enforcement Officer.

#### 5.4.3 Extractive Industry

Extractive industry operations shall meet all development and performance standards of this Zoning Law and all applicable local, state, and federal regulations. These standards shall apply to any activities in the Town of Springport defined as extractive industry where more than 500 tons or 350 cubic yards, whichever is less, of a mineral(s) is (are) removed from the earth during twelve successive calendar months, except when removed as part of an agricultural operation

The applicant shall submit information that includes, at a minimum:

1. a survey of the entire property on which the extractive industry is proposed showing topography, the locations of all streams, wetland and other bodies of water and existing vegetation;
2. a site plan showing the lands to be mined, all proposed buildings or structures, equipment maintenance, parking or storage areas, access roadways and all required buffer areas and visual barriers;
3. a proposed mining plan, including information on type of deposit (e.g., glacial, etc.), name of mineral (sand, gravel, clay, etc.) proposed to be mined, type of mining operations (surface, unconsolidated, etc.), proposed mining method, proposed mining sequences and directions, proposed grades and slopes, location and elevation of mine floor, and disposition of stockpiles and waste materials;
4. the proposed pollution control measures to address potential air pollution (dust), noise pollution or water pollution (water-borne sediments);
5. a reclamation plan that, at a minimum, shall clearly show how the site will be restored to either: a) a condition similar to or compatible with that which existed prior to any mining, or b) some other productive use of the land: forests, pasture, crops, wildlife area, etc., or c) suitable land for subsequent development or construction; and shall include an estimated cost of site reclamation upon the cessation of mining operations;
6. information on the width, bearing capacity and type of road surface of all Town of Springport roads proposed to be used by truck traffic to or from the site and the nearest County or State highway, and the weight of the vehicles using the facility;

7. any other information deemed reasonable and necessary by the Planning and Zoning Board in their consideration of site plan approval and special permit approval.

The applicant's mining and reclamation plans shall describe the mining method as designated by the applicant on the basis of current or anticipated mining practices, and the reclamation method, having as its objective the preparation of the affected land for a future productive use. The proposed method of mine operating and the method of reclaiming the affected land to achieve the applicant's land-use objective shall be compatible with sound environmental management practices.

An analysis by the applicant shall indicate if any improvements to Town and County roads may be necessary.

Zoning district setback requirements notwithstanding, any excavation or quarry wall, and any equipment used for rock, gravel, soil or mineral crushing or other processing shall be located a minimum of two hundred and fifty (100) feet from any property boundary line or public road or highway right-of-way.

Except for ingress and egress roadways, no roadways within the site shall be closer than two hundred (100) feet from a property line.

No accessory buildings or structures, or equipment maintenance, parking or storage areas, shall be closer than 100 feet from any public road or highway right of way, or other property boundary.

A vegetated earthen or rock berm with a crest at least eight (8) feet above any adjacent public road or highway, and with a side slope not exceeding a rise of one (1) foot for each 2.5 feet of horizontal distance, shall be constructed and maintained prior to commencement of mining production or sale activities.

No mining activities, buildings, structures, parking areas, equipment or production storage areas shall be located within 200 feet from a stream or any wetland as defined by state or federal law.

A visual screen comprised of evergreen trees, at least 40 feet in width shall be planted along any site boundary line that abuts one (1) or more residential lots. All evergreen trees shall be at least eight (8) feet in height at time of planting and be spaced so as to form an opaque vegetative screen in accordance with Section 5.4.2.

Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

All ingress and egress points into the site shall be secured from unauthorized access or trespass.

Prior to the commencement of operations the applicant shall (1) deposit with the Town Clerk a certified check in an amount set by the Planning and Zoning Board to cover the full cost of reclaiming the site, or (2) file with the Town Clerk a performance bond to cover the full cost of the required reclamation. Any such bond shall comply with the requirements of Section 274-a

of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

#### 5.4.4 Flag Lots

Flag lots may be approved by the Planning and Zoning Board as part of a subdivision plat whenever the land involved is of a peculiar shape or size, is subject to unreasonable property or parcel limitations, is affected by unusual topographical location or extraordinary topographical conditions, is devoted to such use that it is impossible, impractical or undesirable for the applicant/developer to fully conform to the requirements of conventional lots. In addition the Planning and Zoning Board may approve one or more flag lots where the use of the flag lot configuration would permit the efficient use of land while avoiding the need for a new public street or road, or minimize the loss of high quality agricultural land.

Any flag lot shall meet the minimum lot area, lot width, lot depth, and road frontage requirements of the zoning district within which it is located. The flagpole as defined in Section 120 is excluded from any calculations related to lot area, lot width, lot depth, and road frontage.

The flagpole of a flag lot, as defined in Section 120, shall have a minimum width of 50 feet and shall be free of any buildings or structures with the exception of walls, fences or school bus shelters not exceeding 32 square feet in floor area. No flagpole shall exceed 1,000 feet in length as measured from the public right-of-way.

The front lot line of a flag lot shall be that line parallel to or approximately parallel to and nearest to a public highway right of way or private road as determined by the Code Enforcement Officer.

Adjoining flag lots should be designed in a manner that encourages shared driveway access points along public roads and highways whenever practicable.

In the Rural Agricultural District, flag lots shall be located on the least productive agricultural lands, and be configured so as to minimize interference with the agricultural use of the lands.

All driveways serving flag lots that are in excess of 200 feet in length shall have a minimum width of at least of twelve (12) feet along its entire length be built with a sub-base comprised of at least twelve (12) inches of compacted crushed limestone or crushed bank run gravel.

#### 5.4.5 Manufactured Home Parks

No mobile homes as defined by this Zoning Law shall be permitted in any manufactured home park.

All lots within the manufactured home park shall be improved for use by independent manufactured home dwellings, including the provision of adequate and safe water supply, sewage disposal, solid waste disposal, and other utility systems.

Any dwelling within the manufactured home park shall be sited no closer than 30 feet from another manufactured home, and no closer than 30 feet from the centerline of any interior street.

No dwelling within the manufactured home park shall be located less than 35 feet from any front, side or rear yard line of the lot or parcel.

No dwelling within the manufactured home park shall be located less than 50 feet from any maintenance facilities, outdoor storage areas and sewerage treatment plants if present.

Where an individual manufactured home lot abuts a front yard of the manufactured home park or a side or rear yard that borders a public road or highway, said manufactured home dwelling shall be sited in a manner so that the side elevation of the manufactured home is parallel to the public road or highway right of way line.

A minimum of ten (10) percent of the gross area of the manufactured home park or 1,000 square feet per dwelling unit, whichever is larger, shall be provided for outdoor recreation. This recreation space shall be suitable for recreational uses and shall be easily accessible to all residents.

No parking facilities, interior streets or driveways, except streets or driveways for the purpose of ingress to or egress from the premises, shall be allowed within any of the front, side or rear yard setback areas.

Streets within the manufactured home park shall be a minimum of 20 feet wide and paved with blacktop, concrete or other solid material, and shall be properly drained.

All maintenance facilities, outdoor storage areas and sewerage treatment plants shall be screened from all dwelling lots, internal streets, and public roads or highways by man-made screens or natural plant materials.

There shall be a vegetated buffer, not less than 20 feet in width, within any yard area not fronting on a public road or highway

The owner of the manufactured home park shall be responsible for the maintenance of all park facilities, including areas designated as open space, recreation areas, landscaping, streets, privately owned sewage disposal and water supply systems, and solid waste collection and storage facilities.

Each dwelling within the manufactured home park shall have the space underneath the dwelling enclosed by skirting constructed of fire resistant material.

All tow bars and hitches designed to be removable at the time of installation shall be removed from dwellings in accordance with the manufacturer's instructions, upon siting the dwelling.

#### 5.4.6 Multi-Family Dwellings

Any parcel on which multiple residence development is proposed shall have access to a public road or highway. All vehicular drives shall be designed and constructed so as to have an all-weather surface, to be a minimum of 20 feet wide, and so as to be properly drained.



No residential building within the complex shall be closer than 20 feet to another residential building.

In addition to the side yard and rear yard setbacks specified for the specific zoning district in which the multiple residence development is to be located, there shall be a buffer, not less than 20 feet in width, between any yard area and the property line. Said buffer shall be planted and maintained in lawn, trees, shrubs or, or in a natural state. With the exception of walls or fences no structures of any kind shall be permitted within any required buffer area.

A minimum of ten (10) percent of the gross area of the development or 1,000 square feet per dwelling unit, whichever is greater, shall be provided for the use of residents as outdoor recreation space. All recreational spaces shall be suitable for outdoor recreational activity and shall be easily accessible from all dwellings within the complex.

No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any of the front, side or rear yard setback areas, or vegetated buffer areas.

#### 5.4.7 Non-Commercial Solar Energy Collecting Fixtures

The location of any non-commercial solar collecting fixture and any support structures or other appurtenances shall meet all applicable setback requirements for accessory structures, for the zoning district within which it is located. No solar collecting fixtures however shall be permitted within the front yard setback area of any lot or parcel in any zoning district.

The surfaces of all components of a solar collecting fixture or arrays shall either be of non-reflective materials or coatings to minimize potential adverse visual impacts due to reflection and glare, or be located or screened in a manner in which any reflection and glare generated by the fixture or array shall be minimized.

The height of any freestanding solar collecting fixture and any support structures or other appurtenances shall not exceed 15 feet. The height of any rooftop or other building mounted solar collecting fixture and any support structures or other appurtenances shall not exceed the maximum permitted building height for the zoning district within which it is located.

The amount of ground area covered by any freestanding solar collecting fixture or array shall be included in determining the amount of lot coverage by structures in any zoning district.

Any non-commercial solar collecting fixture that is not used for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property.

#### 5.4.8 Non-Commercial Wind Powered Electricity Generator

Any non-commercial wind powered electricity generator shall be constructed and maintained to clearly function as an accessory use to one or more of the principal permitted uses on the property on which the non-commercial wind powered electricity generator is located.

The maximum height of any non-commercial wind powered electricity generator, shall not exceed 120 feet measured from the lowest point of the structure in contact with the ground to the highest point in the arc of the turbine blade or any other component or attachment.

To the extent practicable any non-commercial wind powered electricity generator shall be located in such a manner that will minimize adverse visual impacts from public road or highway right-of-way or public park, forest or recreational area, as well as from adjacent properties.

Minimum setback distance from any side or rear property line shall be one and one-half times (1.5 times) the radius of any design fall zone as shown in the design documents for the support structure. Minimum setback distance from public road or highway right-of-way or public park, forest or recreational area, shall be at least 100 feet or one times (1.0 times) the height of the non-commercial wind powered electricity generator, whichever is greater.

The surfaces of all components of a non-commercial wind powered electricity generator shall be of non-reflective materials or coatings to minimize potential adverse visual impacts due to reflection and glare.

No exterior lighting shall be permitted on above a height of 20 feet on any structure associated with the non-commercial wind powered electricity generator except that which is specifically required by the Federal Aviation Administration.

All designs for non-commercial wind powered electricity generators and their support structures shall be prepared and stamped by a Professional Engineer licensed to practice in the State of New York.

In addition to design drawings and other documentation that completely describe the proposed non-commercial wind powered electricity generators and their support structures, all applications for Special Permit approval shall include:

1. a USGS or NYS Department of Transportation 7.5-Minute Quadrangle topographic map or clear photocopy of such showing the proposed location of the non-commercial wind powered electricity generator and all areas within a three (3) mile radius of the site;
2. a site map or plan showing the location of the proposed non-commercial wind powered electricity generator and support structure on the site, including any support cable anchor points, the design fall zone for the proposed support structure as well as any residences or other structures located within 100 feet of the design fall zone of the proposed generator.
3. clear photographs of the proposed site of the non-commercial wind powered electricity generator and support structure, or if the site is not visible, in the direction of the site, taken from any public road or highway right-of-way or public

park, forest or recreational area, at intervals of 500 feet, 1,000 feet and 2,000 feet from the proposed site. The photographs shall be numbered and their location noted on a key map, aerial image, or described in a narrative form.

Any non-commercial wind powered electricity generator which is not used to produce electricity for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property.

#### 5.4.9 Outdoor Lighting

Any lights used to illuminate the exterior of a non-residential or non-agricultural lot or parcel, including buildings, signs and other structures, parking and pedestrian areas and landscaping, shall be designed and installed such that:

1. any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire.
2. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light beyond the boundary of the property upon which it is located.
3. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary.
4. The maximum height of the luminaire may not exceed 25 feet.
5. Any spot or flood luminaire rated 900 lumens or less that is directed or focused in a manner that causes light from the luminaire to be directed toward residential buildings on adjacent or nearby land shall be redirected or its light output controlled as necessary to eliminate such condition.
6. Any spot or flood luminaire rated 900 lumens or less that is directed or focused in a manner that causes glare perceptible to persons operating motor vehicles on public ways shall be redirected or its light output controlled as necessary to eliminate such condition.

#### 5.4.10 Roadside Stands

No roadside stand shall be located within the right of way of any public road or highway.

No roadside stand shall occupy more than 240 square feet of area.

No roadside stand shall be placed in a manner that limits the sight distance available to the motoring public, or to persons entering a street or highway from any side road or private driveway or in any other manner that may obstruct the vision of a driver in an unsafe manner.

No parking may be provided on the shoulder of the roadway. An all-weather surface adequate to accommodate the parking needs of customers must be provided outside the outer edge of the road or highway shoulder.

#### 5.4.11 Sawmills

Except for sawmills located within the L1- Industrial District the hours of operation of any large-scale or small-scale sawmill shall be limited to between 8:00 AM and 7:00 PM, Monday through Saturday, and no sawing of logs shall take place on Sunday.

Access roadways and vehicle and equipment parking areas shall be graded and surfaced to ensure that they are well-drained and provide an all-weather surface.

The storage within any yard setback area of logs, lumber, sawdust, bark, scrap wood or equipment of any kind is prohibited.

A visual screen comprised of evergreen trees shall be planted along any site boundary line that abuts a residential lot or the boundary of a R1-Residence or R2-Waterfont Residence zoning district. The minimum width of such screen shall be 15 feet. All evergreen trees shall be at least eight (8) feet in height at time of planting and be spaced so as to form an opaque vegetative screen.

#### 5.1.12 Self-Storage Facilities

All self-service storage facilities shall be well-maintained and kept free of litter, abandoned or discarded property.

No outdoor storage of any boats, automobiles, trailers or recreational vehicles shall be permitted on the premises.

All facilities shall be designed to ensure a minimum of 20 feet between all storage structures on the site and between any storage structure and any perimeter fencing.

No storage structure shall contain more than one story or be greater than fifteen (15) feet in height.

All facilities shall be lighted in a manner that ensures a safe and secure environment at all times.

Where a security fence is constructed around the perimeter of any self-service storage facility, said fence shall not be located within any front, rear and side-yard setback area.

All security fences shall be maintained in good condition. No concertina, razor, barbed wire or other such deterrents to unauthorized entry to the site shall be installed on any fences.

#### 5.4.13 Adult Oriented Businesses

It is the purpose of this section to regulate adult oriented businesses and to promote the health, safety and general welfare of the residents of the Town of Springport by establishing reasonable regulations to monitor the location and concentration of adult oriented businesses within the Town of Springport. The provisions of this regulation have neither the purpose nor effect of imposing a limitation on or restriction of adult oriented materials. Similarly, it is not the intent or the effect of this section to restrict or deny access by adults to adult oriented materials or to deny access by the distributors and exhibitors of adult oriented entertainment items to their market.

No adult oriented business, as defined in this Zoning Law, shall be operated within one thousand (1,000) feet of:

1. A church, mosque, synagogue, temple and other places of worship; or
2. A public or private elementary or secondary school; or
3. A boundary line of any property zoned as a R1-Residence or R2-Waterfront Residence zoning district or any property used for residential purposes as a permitted use;
4. A public or private community park, regional park and preserve; or
5. A child care center, community center, adjacent to any residential district.

No adult oriented business, as defined in this Zoning Law, shall be operated within one thousand (1,000) feet of another adult oriented business, as defined in this Zoning Law.

No adult oriented business, as defined in this Zoning Law, shall be operated in the same building, structure or portion thereof containing another adult oriented business, as defined in the Zoning Law.

For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line where an adult oriented business, as defined in this Zoning Law, is conducted, to the nearest property line of the premises of a place of religious worship, public or private elementary or secondary school, day care facility, or a public or private community park, regional park and preserve, or the nearest boundary of a residential district or residential lot.

For the purpose of this section, the distance between any two (2) adult oriented businesses, as defined in the Zoning Law, shall be measured in a straight line, without regard to intervening structures or objects, from the property lines of the parcels on which each business is located.

All adult oriented businesses, as defined in this Zoning Law, shall be conducted in an enclosed building. No specified anatomical area or any specified sexual activity, as defined in this Zoning

Law, or any display, decoration, sign or similar depiction of specified anatomical areas or specified sexual activities, as defined in this Zoning Law, shall be visible from the exterior of any building containing an adult oriented business, as defined in this Zoning Law, regardless of location or distance.

Prior to the commencement of any adult oriented business as defined in this Zoning Law, or upon the transfer of ownership or control of any adult oriented business, as defined in this Zoning Law, the premises housing such business must be inspected and found to be in compliance with all laws, rules and regulations enforced by the county health department, town fire department, town code enforcement officer and/or other applicable enforcement officers/agencies.

All inspections made pursuant to this section shall be documented in a written report within twenty (20) days of said inspection indicating that the adult oriented business, as defined in this Zoning Law, is or is not in compliance with all laws, rules and regulations. Said report is to be sent to the code enforcement officer of the Town of Springport.

The code enforcement officer of the Town of Springport or other enforcement official shall have the right to inspect the premises of an adult oriented business, as defined in this Zoning Law, for the purpose of ensuring compliance with any section of the Zoning Law or any other applicable law, rule or regulation at any time said business is occupied or open for business, or at such other times as may be reasonable.

The Town of Springport code enforcement officer and/or the Town of Springport shall be allowed to take all measures necessary either pursuant to this Zoning Law, or through the laws of New York State and the United States, by the commencement of a legal proceedings or any other legal means to suspend the right to conduct any adult oriented business, as defined in this Zoning Law, in the event one of the following has occurred:

1. The adult oriented business, as defined in this Zoning Law , has violated or is not in compliance with any section of this Zoning Law ; or
2. The owners and/or operators of the adult oriented business, as defined in this Zoning Law, knowingly allow prostitution or other illegal activity on the premises; or
3. The owners and/or operators of the adult oriented business, as defined in this Zoning Law, knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur on the premises of said business.

#### 5.1.14 Junkyards

No junkyard shall be permitted to operate in the Town of Springport without first obtaining a permit. Said permit shall be valid for a period up to 3 years from date of issuance. No permit to operate a junkyard shall be renewed without the site soils being tested for and certified free of petroleum or other contamination.

Any portion of a junkyard facing a public right-of-way, or located within 100 feet of any other property boundary, shall be screened by a solid fence or wall at least 8 feet in height, or by a vegetative screen comprised of conifer trees planted in a manner that forms a solid screen at

least 8 feet in height. Said vegetative buffer area shall be a minimum of 20 feet wide, and shall be maintained in a healthy state at all times.

No fence or wall built to secure or screen the junkyard shall be located within any front yard, side yard or rear yard area of the property.

All points of ingress or egress shall be secured with a lockable door or gate.

All motor vehicles and parts thereof, and other secondhand, used or salvaged materials, parts or equipment of whatever composition stored or deposited on the premises shall be kept within the area enclosed by the screening and security fencing, or within a building.

All wrecking, cutting, crushing, shredding, baling or other processing of materials, or any loading or unloading of materials from trucks, containers or other modes of transportation shall take place within the area enclosed by the screening and security fencing, or within a building.

Paper, cloth, plastics and other materials of a lightweight nature and prone to becoming wind borne shall be confined at all times.

Odors, dust, and vectors shall be controlled in a manner so that they shall not constitute nuisances or hazards to health, safety or property.

No hazardous wastes except small quantities typically associated with the non-hazardous materials being delivered, stored or processed in the junkyard facility shall be accepted, stored or processed on the premises.

Hazardous wastes accepted or generated in the course of normal operations shall be handled, stored and disposed of in accordance with all applicable local, state and federal regulations.

## **Section 5.5 Cluster Subdivision Design Standards**

### **5.5.1 General**

The policy of the Town of Springport is to consider land subdivision regulations as part of a Comprehensive Plan for the orderly, efficient, and economical development of the Town of Springport. The Town recognizes that the cluster subdivision design approach may permit a flexibility in the development and use of land while preserving of available open space investments in and cost of maintaining public improvements

These cluster subdivision design standards are adopted to guide, promote, and protect the community's development in order to preserve ecologically sensitive areas, the agricultural land resources, and the scenic character of the Town of Springport.

All proposed lots shall be laid out in harmony with the prevailing contours of the land as much as possible. Developers of large subdivisions are encouraged to consider the use of clustering in their designs.

### **5.5.2 Minimum Site Area**

The minimum gross area for any cluster subdivision proposal shall be five acres. Cluster subdivisions are permitted with respect to creation of lots for residential dwellings only. Cluster subdivisions are permitted in The AG-Agricultural, R1-Residential, and R2-Waterfront Residential zoning districts.

### **5.5.3 Reserved Areas**

Any area of a subdivision to be reserved by the developer as permanent open space shall be protected permanently through a conservation easement or other mechanism to ensure its status as open space. In the absence of a homeowner association or other cooperative or condominium arrangement, the dedicated open space may: 1) be a designated area within one or more lots within the subdivision; or 2) deeded to a land trust, government agency or other entity engaged in the mission of protecting open space.

If the dedicated open space is in the form of separate parcels, said parcels shall be configured in a manner that will permit viable use as community space, or if to remain in a natural state, as viable animal or vegetative habitat.

### **5.5.4 Maximum Number of Residences Permitted**

Prior to or at the same time as the submission of a proposed cluster subdivision plat, the applicant shall also submit for Planning and Zoning Board review a conventional subdivision plat laid out in accordance with the Town of Springport Subdivision Regulations and lot size



requirements to this zoning code. This conventional subdivision plat, upon the finding of the Planning and Zoning Board that it meets all minimum subdivision and zoning standards, shall be the basis for determining the number of lots or dwelling units that shall be permitted in a cluster subdivision plat.

The Planning and Zoning Board may restrict an applicant to a lesser number of dwelling units if, in the Planning and Zoning Board's judgment, particular conditions of the site warrant such restriction. Considerations which the Planning and Zoning Board may use in making its determination regarding the number of lots or dwellings appropriate for a sites include but are not limited to:

1. Whether the proposed development will be substantially and materially injurious to the ownership, use and enjoyment of other property in the vicinity or neighborhood;
2. Whether the proposed cluster subdivision design minimizes to the extent practicable potential adverse impacts on agricultural lands, riparian corridors, wetlands, woodlands and other ecological resources;
3. Whether the proposed development will impede the orderly development of land in the vicinity or neighborhood, and whether the proposed development be appropriate in appearance and in harmony with the existing and anticipated future character of the surrounding area;
4. Whether the proposed dedicated open space is adequate in terms of area, and configured in a manner that ensures its functionality for the intended use;
5. Whether the proposed street system and off-street parking facilities will be adequate to handle anticipated traffic in a safe and efficient manner and not place an undue burden on existing roads;
6. Whether the natural surface drainageways will continue to work effectively upon completion of the proposed development;
7. Whether water and sewerage or waste disposal facilities are adequate;

#### 5.5.5 Street Standards

All streets shall be of such width, grade, and location in order to accommodate the prospective traffic, including accommodation of pedestrian and bicycle traffic as may be required by the Town of Springport Planning and Zoning Board, and to facilitate emergency services, and to provide access for all firefighting equipment to all buildings.

#### 5.5.6 Excluded Lands

The Planning and Zoning Board may exclude areas from the sketch plat which, in its opinion, are unsuitable for construction of the proposed housing because of excessive slopes, poor drainage, or other considerations which may be injurious to the health, safety, and welfare of the community.

#### 5.5.7 Building Design and Siting

The proposed location of structures and other improvements must place the highest priority on the preservation of environmentally sensitive areas and agricultural uses. Buildings in a cluster subdivision should be grouped as closely as possible to make as efficient use of the site as practicable and to maximize open space protection.

#### 5.5.8 Building setbacks.

The proposed setbacks for all proposed lots in the cluster subdivision plat shall be shown on the preliminary and final plats.

The minimum distance between any two unattached residences shall be 10 feet.

#### 5.5.9 Building height.

The heights of all buildings shall conform to the height requirements for the underlying zoning district.