

APPENDIX C

TOWN OF SPRINGPORT ZONING LAW



TOWN OF SPRINGPORT ZONING LAW  
LOCAL LAW #2 OF 1991

ARTICLE I GENERAL PROVISIONS

Section 1. Short Title-

- a. This Law shall be known and cited as the "Town of Springport Zoning Law."

Section 2. Purpose of this Law-

- a. The purpose of this Law is to promote the public health, safety, and welfare in accordance with the purposes of and powers granted the Town by Article 16, Sections 261, 262, and 263 of the Town Law of the State of New York.

Section 3. General Definitions-

- a. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purposes of this Law, the meanings given in the following clauses:
  1. Words used in the present tense include the future.
  2. The singular includes the plural.
  3. The word "person" includes a corporation, partnership, and association as well as the individual.
  4. The word "lot" includes the word "plot" or "parcel."
  5. The term "shall" is mandatory.
  6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
- b. Any word or phrase not defined herein shall be used with a meaning of standard usage.

Section 4. Specific Definitions-

- a. The following words and terms have the meanings herein given:

- i. Area

- (a) Lot Area: The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

- (b) Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

## 2. Building Coverage

That percentage of the plot or lot area covered by the building area.

## 3. Lot

- (a) Lot: A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, not including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such way is the same as that of the lot. A lot for the purpose of this Law may or may not coincide with a lot of record.
- (b) Corner Lot: A parcel of land at the junction of and fronting on two or more intersecting streets.
- (c) Through Lot: An interior lot having frontage on two parallel or approximately parallel streets.
- (d) Depth of Lot: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- (e) Lot Width: The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.

## 4. Mobile Home Park

A parcel of land under single ownership which is improved for the placement of mobile homes for non-transient use which is offered to the public for the placement of two or more mobile homes, whether or not for compensation.

## 5. Street

A public or private way used or intended to be used for passage or travel by vehicles.

## 6. Travel Trailer

A vehicle or portable structure designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses, and which may or may not have sanitary facilities.

## 7. Use

- (a) Use: Any activity, occupation, business, or operation carried on or intended to be carried on, in a building or other structure or on a tract of land.
- (b) Use, Principle: The main use on a lot.

8. Right of Way

Land set aside for use as a street, alley or other means of travel.

9. Sewer

- (a) Public Sewer: A "public sewer" is any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system.
- (b) Private Sewer: An "on-lot" septic tank disposal system generally providing for disposal of effluent for only one (1) building on a single lot.

10. Yard

- (a) Yard: An open space unobstructed from the ground up on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.
- (b) Yard, Front: A yard between the structure and edge of street right of way and extending the entire length of the street right-of-way. In the case of a corner lot, the yards extending along the streets are front yards. In the case of a lot other than a corner lot that front on more than one street, the yards extending along all streets are front yards.
- (c) Yard, Rear: A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
- (d) Yard, Side: A yard between a structure and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

b. Except as set forth in Part a of this section, any words, terms, or phrases defined by Chapter a, part 606.3 of the New York State Uniform Fire Prevention and Building Code, as now constructed or hereinafter amended, shall have the same definitions when used in this Law.

Section 5. Establishment of Zones-

- a. For the purposes of achieving the purposes of this Law, the area of land making up the Town of Springport outside the incorporated area making up the Village of Union Springs is hereby designated as the Agriculture/Residential Zone of the Town. Said zone may be referred to as the "AR Zone."
- b. From time to time the Town Board may, in accordance with Article V of this Law, see fit to establish a Special Development district within the AR Zone. When so established, such Special Development District shall be designated as SDD # \_\_\_\_\_, a sequential numerical identifier shall be included as part of each designation.
- c. A map known as the Zoning Map of the Town of Springport showing the zones established by this Law is adopted in conjunction with the adoption of this Law on August 12, 1991 and certified by the Town Clerk and hereby made a part of this Law.

ARTICLE II DIMENSIONAL REGULATIONS

Section 1. Purpose-

- a. The purpose of this article is to establish for each zone in the Town of Springport dimensional standards that will assist in accomplishing the purposes of this Law as set forth in Article I Section 2 of this Law.

Section 2. Minimum Standards-

- a. Lot Size: any lot created in the Town of Springport non-water/sewer service area shall have a minimum area of 40,000 square feet, with a width of not less than 150 feet to meet the requirements for installation of water and sewer systems to serve the uses to occur upon said lot and to meet any requirements of this or other Laws regarding the siting of structures, provisions of parking, landscaping, buffering from adjacent uses, and similar dimension requirements. The requirements for water and sewer installation shall be those of the Cayuga County Health Department or other agency having jurisdiction over such matters.  
*0.92 ACRES*  
Lake Lot-Water/Sewer Service Area: 7500 square feet with a width of 75 feet  
*0.17 ACRES*  
Water/Sewer Service Area: 15000 square feet with a width of 100 feet  
*0.34 ACRES*
- b. Front Yard: 35 feet
- c. Side Yard: 10 feet
- d. Rear Yard: 50 feet
- e. Building Height: 35 feet (maximum height)

- f. Clear Sight Triangle: to insure traffic visibility on any corner lot, no wall, fence, or other structure shall be erected or altered or no hedge, tree, shrub, or other growth except agricultural crops shall be maintained which may cause danger to traffic on public street by obscuring the view. Visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street lines and a straight line drawn between points on each street line twenty-five (25) feet from the intersection of said street lines.

Where a private accessway intersects a public street, visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street line, the edge of the private accessway, and a straight line drawn between points on both the street line and the edge of the accessway ten (10) feet from the intersection of said lines.

### Section 3. Exceptions to Standards-

- a. Essential services: erection, building, or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, communication systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith shall be allowed as reasonably necessary for the furnishing of adequate service by such public utilities or Town or other governmental agencies or for the public health or safety or general welfare but not including buildings.
- b. Fences, terraces, etc.: the minimum standards of Section 2 of this Article shall not apply to terraces, fences, uncovered porches, or similar features not over three feet high above floor level of the ground story. Arbors, open trellis, flagpoles, recreation and yard drying equipment are also exempt.
- c. Signs, parking and farm stands: the front yard minimum standards of Section 2 of this Article shall not apply to accessory signs, off-street parking areas, and farm stands.
- d. Front and side yards on corners: on a corner lot the street side yard shall equal the required front yard for lots facing the street.
- e. Building Height: the maximum building height standard of Section 2 of this Article shall not apply to farm buildings, church spires, chimneys, or other structures built above the roof and not devoted to human occupancy.

## ARTICLE III USE REGULATIONS

### Section 1. Purpose-

- a. The Town of Springport has established an Agricultural/Residential Zone which covers the entire Town. The purpose of this zone is to protect the natural resources, agriculture, and way of life which are associated with and the strength of a rural area and to provide for the orderly transition from rural to more urbanized activity and to accommodate such non-residential and non-agricultural activity as may be compatible with these principal uses.

### Section 2. Permitted Uses-

- a. Single family residential dwellings upon a separate lot or farm lot; farms, farm structures, and normal farm practices and operations; occupations for profit carried on within a residential dwelling in such a manner so as to not change the exterior character of the building from that of a residence; two family dwellings or the conversion of a single family dwelling to a two family dwelling on a separate lot; and non-commercial accessory structures are expressly permitted within this zone upon application for, approval of, and issuance of a permit by the Zoning Officer.

### Section 3. Prohibited Uses-

- a. Any action identified as a Type 1 action under the rules and regulations of the New York State Environmental Quality Review Act (SEQRA), 6 NYCCR Part 617, Section 617.12 as now constituted or hereafter amended shall be a prohibited use in the AR Zone. Also prohibited shall be heavy, industrial uses including, but not limited to, landfills, scrap metal and recycling businesses, incineration businesses, mining, businesses devoted to the disposal and/or treatment of toxic waste. Heavy industrial uses are those uses which have the potential for severe negative impact on uses located relatively close to them. Heavy industrial uses may have some or all of the following characteristics: unenclosed structures that are large, tall, and unsightly; potential to generate odors; involve large amounts of exterior storage; due to their scale are likely to have a regional or area-wide impact.
- b. Prohibited uses may be allowed in the Special Development District in accordance with the provisions of Article V of this Law.

### Section 4. Uses subject to special permit-

- a. All uses not enumerated in Section 2 or Section 3 of this Article are permitted subject to application for, approval and issuance of a special permit by the Town of Springport Planning Board. A special permit shall be issued upon demonstration by the applicant of compliance with the terms of Article IV of this Law.

- b. New or Used Mobile Homes or House Trailers must be less than two (2) years old, certified as meeting the current H.U.D. standards and found on inspection to be in excellent condition, safe and fit for residential occupancy as determined by the Town Zoning Officer.

Section 5. Resolution of disputes-

- a. Should a dispute arise between the Zoning Officer and an applicant regarding the Section of this Article applicable to a particular use, such dispute shall be resolved by the ZBA in accordance with its authority and procedures set forth in this Law.

ARTICLE IV SPECIAL PERMITS

Section 1. Purpose-

- a. The purpose of the special permit procedure is to allow public awareness and input into the review of proposed developments and activities that could be inconsistent with the rural character of the Town, might pose environmental risks, or have the potential for jeopardizing the orderly transition of sections of the Town from rural to more urbanized activity. The objective of this process is to determine the extent to which such problems exist and to identify ways to mitigate them so that the proposal may be undertaken in a manner that is harmonious with the area in which it will be established.

Section 2. Uses subject to special permit-

- a. Those uses cited in Article III, Section 4 are subject to this Article.

Section 3. Reviewing/approving agency-

- a. The Planning Board of the Town of Springport shall receive applications for special permits, review same, and approve, approve with modification, or deny said applications according to the procedures set forth in Article VIII, Section 4 of this Law.

Section 4. Criteria-

- a. The criteria for acting on special permit applications shall be those outlined below.

- 1. Sketch Plan. A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:

- a. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.
  - b. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets rights-of-way, properties, easements and other pertinent features; and
  - c. A topographic or contour map of adequate scale and detail to show site topography.
2. Application for site plan approval. An application for site plan approval shall be made in writing to the chairman of the Planning Board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.

a. Site Plan Checklist

1. title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. north arrow, scale and date;
3. boundaries of the property plotted to scale;
4. existing watercourses;
5. grading and drainage plan, showing existing and proposed contours;
6. location, design, type of construction, proposed use and exterior dimensions of all buildings;
7. location, design and type of construction of all parking and truck loading areas, showing access and egress;
8. provision for pedestrian access;
9. location of outdoor storage, if any;
10. location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
11. description of the method of sewage disposal and location, design and construction materials of such facilities;

12. description of the method of securing public water and location, design and construction materials of such facilities;
13. location of fire and other emergency zones, including the location of fire hydrants;
14. location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
15. location, size and design and type of construction of all proposed signs;
16. location and proposed development of all buffer areas, including existing vegetative cover;
17. location and design of outdoor lighting facilities;
18. identification of the location and amount of building area proposed for retail sales or similar commercial activity;
19. general landscaping plan and planting schedule;
20. an estimated project construction schedule;
21. record of application for and approval status of all necessary permits from state and county officials;
22. identification of any state or county permits required for the project's execution; and
23. other elements integral to the proposed development as considered necessary by the Planning Board.

3. Review of site plan. The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

- (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (d) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (e) Adequacy of stormwater and drainage facilities.
- (f) Adequacy of water supply and sewage disposal facilities.
- (g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

- (h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
  - (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
4. Planning Board action on site plan. Within forty five (45) days of the receipt of an application for site plan approval, the Planning Board shall render a decision, file said decision with the Town Clerk, and mail such decision to the applicant with a copy to the Zoning Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.
- (a) Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant, Zoning Officer, and file same with the Town Clerk.
  - (b) Upon disapproval of a site plan, the Planning Board shall so inform the Zoning Officer and the Zoning Officer shall deny a zoning permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.
5. Reimbursable costs. Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.
6. Performance guarantee. No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Town Board after consultations with the Planning Board, Zoning Officer, Town attorney and other appropriate parties.
7. Inspection of improvements. The Zoning Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

8. Integration of procedures. Whenever the particular circumstances of proposed development require compliance with either the special use procedure in this zoning ordinance or other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

## ARTICLE V-SPECIAL DEVELOPMENT DISTRICT

### Section 1. Purpose-

- a. The purpose of this zone is to provide an area where activities which could be incompatible with the Town's general land use pattern, threaten environmental resources if not properly developed, apt to have profound impact on nearby property values and enjoyment or could require the establishment or expansion of public facilities; yet may be needed for a balanced local economy or desirable as activities meeting the needs of the residents of the Town or the public in general, can be established in a manner that would minimize or prevent the potential problems cited above among others.

### Section 2. Permitted uses-

- a. All uses permitted in the AR Zone by Article III Section 2 are permitted in this zone in the same manner as by said Article and Section.
- b. All uses permitted by special permit in the AR Zone by Article III Section 4 are permitted in this zone in the same manner as by said Article and Section.
- c. All uses not permitted in the AR Zone by Article III Section 3 are permitted in this zone in accordance with the terms of this Article.

### Section 3. Procedures-

- a. All activities proposed for approval as a SDD District shall be subject to the special permit review and approval process of Article IV of this Law.
- b. Prior to seeking approval of the special permit an applicant shall first request the Town board to establish a Special Development District (SDD).
- c. The Town Board shall act upon the establishment of a SDD only when the applicant demonstrates that the conditions set forth in Section 4 of this Article exist.
- d. The Town Board shall establish a SDD in accordance with the procedures for amending this Law as set forth in Article IX Section 2 of this Law.

### Section 4. SDD conditions for establishment-

- a. The proposed area shall be of at least ten contiguous acres not separated by existing streets or other properties and owned by or under option to purchase by the applicant. In the case of multiple ownership, the approved plan shall be binding on all owners.

- b. Prior to formal presentation, the applicant may present a proposed SDD in sketch form to the Town Board for non-binding discussion and reaction concerning the suitability of the concept, potential problems, and procedures for action. As many of the conditions of this section as possible should be included in a sketch plan in order to gain the greatest understanding of all possible implications.
  
- c. A formal plan shall include the following information in order to be considered for approval:
  1. name and location of project, name and address of owner, legal description of the property, names and addresses of abutting property owners;
  2. detailed description of any plans to stage development over time and demonstration why this staging will not result in negative impacts on the area caused by construction and related activity;
  3. Demonstration of the suitability of the soils on the property for the proposed activity, manner in which surface and ground water will be protected and drainage contained so as to not negatively impact nearby and adjoining properties, manner in which potential air pollution will be controlled so as to pose no risk to adjoining properties; documentation of traffic to be generated and the ability of existing road network to accommodate same and plans to deter traffic congestion at the points of entry and exit to the site, documentation that costs incurred by the Town or likely to be incurred will not exceed the fiscal benefits to the Town resulting from the project; demonstration of the suitability of any: proposed sewer system, water system, fire protection system, energy source and system, disposal system for solid waste; demonstration of developer competence to accomplish the project as described; demonstration and documentation of satisfactory responses to other issues deemed pertinent to the project by the Town Board.
  
- d. A formal plan shall be in both written and drawing form and sufficiently clear to allow reasonable consideration of the issues raised in Section 3.c. above.

#### ARTICLE VI-MISCELLANEOUS REGULATIONS

##### Section 1: Signs -

- a. The purpose of this section is to protect the rural vistas of the Town by limiting the size of signs.

b. Permitted Signs-

All signs announcing, promoting, directing to, or otherwise informing persons of: civic programs or institutions; political issues and events; religious or educational events or institutions; yard sales or similar events of a temporary and occasional nature at a residence or group of residences; real estate offerings; and sale of farm products produced upon the farm where being sold are expressly permitted in all zones and shall not require issuance of a permit under the terms of this Law, but shall comply with the terms of this Law which may be applicable.

c. Prohibited Signs-

In all zones off-premises signs in excess of thirty-two square feet in area measured per side are expressly prohibited.

No permitted sign in any zone shall be located within the clear vision triangle at highway intersections as set forth in Article II. No permitted sign in any zone shall be constructed or placed in such a manner so as a portion of it extends more than ten feet above the roof line of the building to which it is attached or the elevation of the land upon which it is placed. Elevation shall be determined by the most current USGS Topographic Map for the site.

No permitted sign shall have flashing or moving parts.

d. Permitted by Special Permit-

All signs associated with any use or activity permitted by special permit under this Law shall be approved in conjunction with the special permit authorizing said activity and shall be consistent with and complimentary to the plan for said activity.

e. Definitions of Terms-

As used above and elsewhere in the Law, the following terms shall have the meaning herein assigned:

1. Sign- Any structure or part thereof or any device attached to a structure or painted or represented on a structure which displays or includes any letter, word, model, banner, permanent, insignia, device, or representation

used as or which is to be in the nature of an announcement, direction, or advertisement.

2. Off-premises sign- A sign that directs attention to a person, thing, business, or activity not conducted upon the lot where the sign is located.

Section 2. Parking-

a. The purpose of this section is to insure that highways remain clear of congestion so as to allow safe and timely passage of private, commercial, and emergency vehicles.

b. Regulations-

All buildings or activities requiring a special permit shall be designed in such a way so as to provide parking areas for vehicles off the public roads sufficient to accommodate the expected number of vehicles said building or activity will generate at any time during its operating hours. It shall be the responsibility of the applicant for the special permit to provide authoritative documentation to support the size of the parking area proposed. The parking area shall have an all weather surface and provide safe and convenient access and use during all seasons.

All residential buildings and activities shall be designed in such a way so as to provide at least one and one-half parking spaces for vehicles off of the public highway per dwelling unit. Compliance with this requirement shall be shown upon any application for a permit submitted under the terms of this Law.

c. Definitions-

As used above and elsewhere in this Law, the following terms have the meanings herein assigned:

1. Parking Space- An area of 200 square feet measuring 10 feet in width and 20 feet in length.
2. Parking Area- A section of property devoted exclusively to parking spaces and those lands for accessing and exiting said parking spaces.

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ARTICLE VII NONCONFORMITIES

Section 1. Purpose-

a. The purpose of this article is to safeguard property rights established prior to the enactment of this Law.

Section 2. Continuation-

a. The lawful use of any structure or land existing at the effective date of this Law may be continued even though it does not conform to the provisions of this Law. So, too, may any lot which existed at the effective date of this Law continue to be deemed a legal lot under the terms of this Law even though it may not conform to some or all dimension standards herein.

- b. Where improvements have been made to leased land in the form of structures, such structures that exist at the time of this enactment may be continued as pre-existing, non-conforming structures either upon the leased land or upon individual lots which may be created to permit the continuation of such structures. Structures placed upon leased lands after the enactment of this Law shall be placed in such a manner so as to be situated upon an area of land sufficiently large that, if separated from the original parcel, could constitute a legal lot under the terms of this Law.

Section 3. Changes-

- a. A non-conforming use may be changed to any permitted use or use permitted by special permit subject to the provisions of this Law applicable to the establishment of such permitted use or changed in any way so as to achieve greater conformity with the dimension regulations of this Law, but, not in any way so as to become less conforming.

Section 4. Restoration-

- a. A non-conforming structure destroyed by fire, storm, or other natural or man-made disaster or damaged by such an event may be restored or repaired to the extent of non-conformity prior to the incident. Any increase in the extent of non-conformity shall comply with the provisions of this Article, Section 3.

ARTICLE VIII-ADMINISTRATION

Section 1. Purpose-

- a. The purpose of this article is to provide procedures for the enforcement and administration of this Law.
- b. The zoning ordinance is considered an improvement district of the Town of Springport outside of the Village of Union Springs. As such, it shall be administered by Town Outside residents.

Section 2. Zoning Officer-

- a. The provisions of this Law shall be enforced by and administered by a Zoning Officer who shall be appointed by the Town Board.
- b. The Zoning Officer shall have the following duties: receive and examine applications for permits required by this Law and refer them to such agencies as may be appropriate; approve applications and issue permits or issue permits upon approval of applications by agencies charged with approval authority; issue certificates of occupancy upon demonstration of compliance with the terms of this Law or any permit issued in accordance with it; receive applications for action under the terms of this Law by other agencies and refer same to said agencies; conduct surveys and inspections to determine compliance or lack thereof with the terms of this Law;

issue orders to remedy violations of the terms of this Law or orders to cease, stop, and desist violating the terms of this Law to such violators by certified mail or in person; revoke a permit issued by mistake of fact or contrary to the Law or provision of this Law; maintain the Zoning map in a current form, copies of the Zoning Law in a current form, and records regarding actions taken under the Zoning Law; provide such information and reports as are required by agencies of the Town regarding matters related to the Zoning Law and when directed by the Town Board or with its approval, institute in the name of the Town any appropriate action to insure compliance with the terms of this Law.

Section 3. Zoning Board of Appeals-

- a. Applications for variance of the terms of this Law or for relief from a determination made by the Zoning Officer in the administration of the terms of this Law shall be made to the Zoning Board of Appeals.
- b. The Zoning Board of Appeals (ZBA) shall be constituted and operate in accordance with the provisions of Section 267 of the Town Law of the State of New York as now constructed or hereafter amended.
- c. In reaching a decision regarding a variance to the dimensional requirements of this Law, the ZBA shall determine that the applicant for said variance would incur a practical difficulty not justified by any documented public health, safety, or welfare issue. In reaching a decision regarding a variance to the use regulations of this Law, the ZBA shall determine that the applicant would suffer an unnecessary hardship not justified by any documented public health, safety, or welfare issue. Only upon determining that such circumstances exist shall a variance be granted.
- d. In granting a variance, the ZBA may prescribe such conditions as it deems necessary to secure the objectives of this Law and the plans of the Town of Springport for land use and development.

Section 4. Planning Board-

- a. Applications for special permits under the terms of this law shall be made to the Planning Board.
- b. The Planning Board shall be constituted and operate in accordance with the provisions of Sections 271, 272, 274, 274a, and 275 of the Town Law of the State of New York as now constructed or hereafter amended.
- c. The Planning Board may approve a special permit only upon demonstration by the applicant for said special permit of compliance with Article IV Section 4 of this Law.

Section 5. Compliance with other Laws-

- a. Nothing in this Law shall be deemed to waive compliance with any other applicable Federal, State, County or Local Law.
- b. All actions taken by the Zoning Officer, ZBA, and Planning Board under the terms of this Law shall comply with all applicable Federal, State, County, or Local Laws including the New York State Environmental Quality Review Act, and the National Flood Insurance Program, among others.

Section 6. Permits, Special Permits and Certificate of Occupancy-

- a. No structure shall be erected, constructed, extended or moved and no use of land or structures shall commence or change without issuance of a permit or special permit under the terms of this Law.
- b. No structure shall be occupied or use undertaken without issuance of a certificate of occupancy stating that the site or structure has been inspected by the Zoning Officer and complies with the terms of this Law.
- c. Permits or special permits shall have a two year life after which time the permit will have to be renewed.
- d. Applications for permits shall be processed and acted upon by the Zoning Officer within fifteen (15) days from the date of receipt.
- e. Applications for permits, special permits, and any other documents deemed necessary for the administration of this Law shall be approved by the Town Board by resolution and the information to be included in such documents shall be determined by the Town Board at that time.
- f. Fees for applications, permits, hearings, or other actions required by the Town or its agencies in order to enforce and administer this Law shall be established by the Town Board by resolution and from time to time such fees may be changed as needed.
- g. All applications and accompanying plans and documents shall become and be preserved as a public record subject to the disposition of the Town of Springport.

Section 7. Exemptions from Permit Requirements-

- a. No permit or special permit shall be required for: general maintenance work, painting, clearing woodlots, tilling the soil, raising animals, constructing fences, terraces, steps, or similar features, landscaping not required in conjunction with a special permit, flag poles. However, all activities shall comply with the provisions of this Law.

Section 8. Enforcement and Remedies-

- a. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used in violation of this article or of any other local law, or regulation made under authority conferred thereby, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the Town to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the Town is authorized to do.

Section 9. Fines and Penalties-

- a. For any and every violation of the provisions of this Law:
  1. The owner, general agent or contractor of a building or premises where such violation has been committed or shall exist;
  2. The owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violations have been committed or shall exist; and
  3. The general agent, architect, builder, contractor, or any other person who knowingly commits, takes part, or assists in any such violation or who maintains any buildings or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding fifty (50) dollars or by imprisonment for a period not exceeding six (6) months or by both fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

ARTICLE IX - AMENDMENTS, SEVERABILITY, EFFECTIVE DATE

Section 1. Purpose-

- a. The purpose of this Article is to provide authority to amend this Law should such action become necessary, protect the Law in general should some part of it be made ineffective, and to announce the date when the law goes into effect.

Section 2. Amendments-

- a. From time to time it may be deemed advisable to amend this Law. Such amendments may be considered and acted upon by the Town Board in accordance with the provisions of Sections 264 and 265 of the Town Law of the State of New York as now constructed or hereafter amended.
- b. Proposals for amendments may initiate with the Town Board, Planning Board, ZBA, or by petition by an individual or group of individuals.

Section 3. Severability-

- a. Should the courts declare any provision of this law to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Law shall continue to be separately and fully effective.
- b. Should the courts find the application of any provision or provisions of this Law to any lot, building or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be effected.

Section 4. Effective Date-

- a. The effective date of this Law shall be October 1, 1991.
- b. Ammended August 14, 1995 (Article II, Section 2-Lot Size and Article III, Section 4, (b)-Mobile Homes
- c. Ammended April 14, 2003 (Article II, Section 2-Lot Size)