

# ZONING LAW OF THE VILLAGE OF UNION SPRINGS



CAYUGA COUNTY, NEW YORK

ADOPTED: November 19, 2013

# TABLE OF CONTENTS

<b>ARTICLE I   TITLE, INTENT &amp; DEFINITIONS.....</b>	<b>5</b>
1-1 TITLE .....	5
1-2 PURPOSE AND INTENT .....	5
1-3 DEFINITIONS.....	5
<b>ARTICLE II   ADMINISTRATION.....</b>	<b>16</b>
2-1 ZONING OFFICER POWERS & DUTIES .....	16
2-2 ZONING PERMITS .....	17
2-3 SPECIAL PROVISIONS FOR ISSUANCE OF ZONING PERMITS IN AREAS DESIGNATED AS FLOOD HAZARD AREAS .....	17
2.4 CERTIFICATES OF OCCUPANCY .....	17
2.5 APPLICATION REQUIREMENTS FOR ZONING PERMITS .....	17
2-6 ISSUANCE OF PERMITS .....	18
2-7 APPLICATION FEES .....	18
<b>ARTICLE III   BOARDS .....</b>	<b>19</b>
3-1 ESTABLISHMENT, MEMBERSHIP AND PROCEDURE: ZONING BOARD OF APPEALS .....	19
3-2 POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS.....	20
3-3 WHO MAY APPEAL.....	21
3-4 RULES AND PROCEDURES FOR FILING APPEALS AND APPLICATIONS.....	21
3-5 APPEALS TO COURT .....	22
3-6 FEES .....	22
3-7 VILLAGE BOARD: POWERS AND DUTIES FOR SPECIAL USE PERMITS .....	22
3-8 VILLAGE PLANNING BOARD REVIEW OF SPECIAL USE PERMITS .....	23
3-9 COUNTY PLANNING BOARD: ZONING REFERREAL AND REVIEW.....	23
<b>ARTICLE IV   VIOLATIONS .....</b>	<b>24</b>
4-1 ENFORCEMENT AND REMEDIES .....	24
4-2 FINES AND PENALTIES .....	24
<b>ARTICLE V   DISTRICTS.....</b>	<b>25</b>
5-1 DISTRICTS ESTABLISHED .....	25
5-2 OFFICIAL ZONING DISTRICT MAP.....	25
5-3 INTERPRETATION OF DISTRICT BOUNDARIES.....	26
<b>ARTICLE VI   ZONING DISTRICT REGULATIONS.....</b>	<b>27</b>
6-1 AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT .....	27
6-2 RURAL RESIDENTIAL (RR) ZONING DISTRICT.....	29
6-3 RESIDENTIAL (R) ZONING DISTRICT .....	31
6-4 LAKESIDE RESIDENTIAL (LR) ZONING DISTRICT .....	32
6-5 HISTORIC BUSINESS (HB) ZONING DISTRICT.....	34
6-6 COMMERCIAL (C) ZONING DISTRICT.....	35
6-7 NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT.....	37
6-8 WATERFRONT COMMERCIAL (WC) ZONING DISTRICT.....	39
6-9 PARK (P) ZONING DISTRICT.....	40
6-10 PLANNED DEVELOPMENT (PD) ZONING DISTRICT .....	41
6-11 FLOODPLAIN (F) ZONING DISTRICT .....	48
6-12 USES SUBJECT TO SPECIAL CONDITIONS .....	49

---

**TABLE OF CONTENTS | Continued**

6-13	MATRIX TABLE OF USE REGULATIONS .....	53
	<b>ARTICLE VII   REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS .....</b>	<b>55</b>
7-1	DISTRICT REGULATIONS DIMENSIONAL REQUIREMENTS .....	55
	<b>ARTICLE VIII   REGULATIONS APPLICABLE TO SPECIAL USE PERMITS .....</b>	<b>65</b>
8-1	SPECIAL USE PERMITS .....	65
8-2	SPECIAL REQUIREMENTS FOR DEFINED SPECIAL USES.....	66
	<b>ARTICLE IX   NON-CONFORMING USES, STRUCTURES AND LOTS.....</b>	<b>76</b>
9-1	CONTINUATION .....	76
9-2	ALTERATION OR EXTENSION .....	76
9-3	RESTORATION.....	76
9-4	ABANDONMENT .....	76
9-5	CHANGES.....	76
9-6	DISPLACEMENT .....	77
9-7	DISTRICT CHANGES.....	77
9-8	ZONING PERMIT REQUIRED .....	77
	<b>ARTICLE X   LANDSCAPING, SCREENING AND BUFFERING REQUIREMENTS ..</b>	<b>78</b>
10-1	PURPOSE AND INTENT .....	78
	CHART 1 – REQUIRED BUFFER.....	80
	CHART 2 – SIZE OF REQUIRED BUFFER .....	80
	CHART 3 – CALCULATION OF PLANT UNITS FOR CHART 2 .....	80
	<b>ARTICLE XI   OFF STREET PARKING AND LOADING REQUIREMENTS.....</b>	<b>83</b>
11-1	REQUIRED OFF STREET PARKING AND LOADING SPACES .....	83
11-2	DESIGN OF OFF STREET PARKING AND LOADING SPACES .....	84
	<b>ARTICLE XII   SIGN REGULATIONS .....</b>	<b>88</b>
12-1	TITLE .....	88
12-2	DEFINITIONS.....	88
12-3	GENERAL REGULATIONS.....	91
12-4	BUSINESS SIGNS AND DIRECTIONAL SIGNS .....	96
12-5	APPLICATION FOR PERMIT .....	97
12-6	FEES .....	98
12-7	ISSUANCE OF PERMIT .....	98
12-8	REMOVAL OF SIGNS .....	98
12-9	REVOCATION OF PERMIT.....	99
12-10	PREEXISTING NON-CONFORMING SIGNS .....	99
12-11	APPLICABILITY .....	99
12-12	PENALTIES FOR OFFENSES .....	99
12-13	NOTICE .....	100
	<b>ARTICLE XIII   REGULATION OF TELECOMMUNICATION FACILITIES .....</b>	<b>101</b>
13-1	INTENT .....	101
13-2	REGULATION OF TELECOMMUNICATION FACILITIES & CELL TOWERS .	101
	<b>ARTICLE XIV   SMALL WIND ENERGY SYSTEMS.....</b>	<b>107</b>
14-1	PURPOSE AND INTENT.....	107
	<b>ARTICLE XV   SITE PLAN REVIEW AND APPROVAL .....</b>	<b>112</b>
15-1	INTENT .....	112
15-2	APPLICABILITY .....	112

## TABLE OF CONTENTS | Continued

15-3	SKETCH PLAN CONFERENCE .....	112
15-4	PRELIMINARY SITE PLAN APPLICATION .....	113
15-5	VILLAGE BOARD REVIEW OF PRELIMINARY SITE PLAN .....	115
15-6	VILLAGE BOARD ACTION ON PRELIMINARY SITE PLAN .....	116
15-7	FINAL SITE PLAN APPROVAL PROCEDURE .....	116
15-8	REFERRAL TO COUNTY PLANNING BOARD .....	117
15-9	VILLAGE BOARD ACTION ON FINAL SITE PLAN .....	117
15-10	REIMBURSABLE COSTS .....	117
15-11	LETTER OF CREDIT .....	117
15-12	INSPECTION OF IMPROVEMENTS .....	117
15-13	INTEGRATION OF PROCEDURES .....	118
<b>ARTICLE XVI   SUBDIVISION REGULATIONS .....</b>		<b>119</b>
16-1	AUTHORITY FOR PLAT APPROVAL; COMPLIANCE WITH POLICY .....	119
16-2	APPLICABILITY AND LEGAL EFFECTS .....	119
16-3	TYPES OF SUBDIVISIONS AND PROCEDURES .....	120
16-4	COORDINATION WITH COUNTY HEALTH DEPARTMENT .....	120
16-5	PLANNING BOARD USE OF CONSULTANTS AND SERVICES OF COUNTY AND REGIONAL PLANNING STAFF .....	120
16-6	PLAT REVIEW OF UNCOMPLETED SUBDIVISIONS .....	120
16-7	DEFINITIONS .....	121
16-8	APPLICABILITY .....	122
16-9	SUBDIVISION PROCEDURES .....	122
16-10	SIMPLE SUBDIVISION REVIEW PROCEDURE .....	123
16-11	INITIATION OF A MINOR OR MAJOR SUBDIVISION REVIEW .....	123
16-12	MINOR SUBDIVISION REVIEW PROCEDURE .....	124
16-13	MAJOR SUBDIVISION PRELIMINARY PLAT REVIEW PROCEDURE .....	125
16-14	MAJOR SUBDIVISION FINAL PLAT APPLICATION .....	128
16-15	ENDORSEMENT OF STATE AND COUNTY AGENCIES .....	130
16-16	PUBLIC HEARING AND REVIEW OF THE FINAL PLAT .....	130
16-17	PLANNING BOARD ACTION ON PROPOSED FINAL SUBDIVISION PLAT ...	130
16-18	REQUIRED IMPROVEMENTS .....	131
16-19	MODIFICATION OF DESIGN IMPROVEMENTS .....	131
16-20	INSPECTION OF IMPROVEMENTS .....	132
16-21	FINAL APPROVAL OF SUBDIVISION PLAT .....	132
16-22	PUBLIC STREETS AND RECREATION AREAS .....	132
16-23	CLUSTER SUBDIVISIONS .....	133
16-24	GENERAL REQUIREMENTS AND DESIGN STANDARDS .....	133
15-25	WAIVER OF CERTAIN IMPROVEMENTS .....	140
<b>ARTICLE XVII   SEVERABILITY, REPEALER AND EFFECTIVE DATE .....</b>		<b>141</b>
17-1	SEVERABILITY .....	141
17-2	REPEALER .....	141
17-3	EFFECTIVE DATE .....	141
<b>APPENDIX I   BULK AND USE TABLES .....</b>		<b>142</b>
<b>APPENDIX II   ZONING MAP .....</b>		<b>146</b>

## **ARTICLE I**

### **TITLE, INTENT & DEFINITIONS**

#### **1-1 TITLE**

- A. This Local Law shall be known and cited as the “Zoning Law of the Village of Union Springs, NY”.

#### **1-2 PURPOSE AND INTENT**

- A. Such Law is made under and pursuant to Article 16 of the Village Law of the State of New York to promote the health, safety, and general welfare of the community; to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards; the density of populations; and the use of buildings, structures and land for trade, industry, residence or other purposes are hereby restricted and regulated as hereinafter provided.

#### **1-3 DEFINITIONS**

- A. General.

(1) Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Law the meanings given in the following clauses.

(2) For the purpose of this Law words and terms used herein shall be interpreted as follows:

- a. Words used in the present tense include the future.
- b. The singular includes the plural.
- c. The "person" includes a corporation, partnership, and association as well as the individual.
- d. The word "lot" includes the word "plot" or "parcel".
- e. The term "shall" is mandatory.
- f. The word "used" or "occupied" as applied to any land or building and shall be construed to include the words “intended, arranged or designed to be occupied”.

(3) Any word or term not defined herein shall be used with a meaning of standard usage.

- B. Specific Definitions.

(1) Accessory:

- a. Accessory Building: A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

- b. Accessory Use: A use located on the same lot with a principle use, and clearly incidental or subordinate to, and customary in connection with, the principle use.
- (2) Adult Oriented Business: Any use or substantial or significant part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods, including books, magazines, pictures, slides, film, phonographic records, prerecorded magnetic tape and any other reading, viewing or listening matter, or services including activities, facilities, performances, exhibitions, viewings and encounters, the principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word “nude”, “naked”, “topless”, “bottomless” “sexy” or any other word, picture, symbol or representation having like meaning or implication is used in any advertisement.
  - (3) Agriculture: The science, art, business, and industry of cultivating soil, producing crops, and raising livestock and equestrian animals; farming as defined by the New York State Department of Agriculture and Markets.
  - (4) Animals and Animal Related: This chapter recognizes and addresses three (3) basic categories of animal that are relevant to control within the scope and purpose of this chapter: (1) domestic; (2) farm; and (3) exotic or wild animals; which are defined as follows:
    - a. Domestic Animals: Those species that have historically been bred to live with people and are commonly trained and associated with people's homes or places of work as pets or as (non-farm) working companions; these are dogs and cats. Other animals that have a historical presence as pets are some non-domesticated species that are maintained within glass tanks, cages or similar display containers and include tropical fish, birds, small reptiles (turtles, frogs, lizards), and small rodents (hamsters, gerbils, mice and rats). Note: These non-domesticated animals are commonly available from retail pet stores, and supplies and food for their care are generally available in general merchandise outlets, such as grocery or department stores.
    - b. Farm Animals: Those species that have historically and commonly been associated with agricultural uses as the production product (food, hides, fur, etc.) or as work animals directly related to agricultural process (hauling, plowing, etc.). Typical farm animals include horses, buffalo, cows, chickens, sheep, goats and pigs. Other animals such as llamas, emus, alpacas, and rabbits, are included if they are associated with agricultural uses as defined by Article 25AA of the Agricultural and Market Laws. Some species of fish are also raised in aquatic farms, such as salmon, catfish, tilapia and trout. An agricultural use may be devoted solely to animal breeding for sale and end use by others, such as horses that are used for recreational purposes (racing, riding, or show).
    - c. Exotic (Wild) Animals: Those species that are indigenous or non-indigenous wild animals captured or bred in captivity and typically are not acclimated through selective breeding to regular human contact. Though individual animals of many species have been domesticated for such human purposes as education (zoos, teaching facilities), entertainment

(theater, circus shows) or even as pets, they are not considered to be domestic or farm animals. Examples include large animals– monkeys, apes, lions, tigers, wolves, alligators, and boa constrictors. Small animals include– falcons, hawks, squirrels, and raccoons. Some animals may require special licensing from New York State to be sold or maintained as pets. Due to the size, characteristics, or nature of some of these animals, they remain potentially harmful to humans and require special care and monitoring even when domesticated.

- (5) Animal Care / Training Facility: A Primary or Accessory Use where domestic (for example, dogs and cats) animals are temporarily present for non-medical care (grooming or training programs) such as dog obedience; companion, seeing-eye, or rescue instruction, or competitive skills activities (hunting, retrieving, racing). This land use may include ancillary sale of retail products and/or areas for shows. The definition excludes facilities for the boarding or breeding of animals.
- (6) Alterations: As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- (7) 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 covered porches, terraces, and steps.
  - c. Floor Area: The sum of the areas of the several floors of a building, including areas used for human occupancy and basements, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches and attics not used for human occupancy.
- (8) Automobile Sales and Auto Dealerships: Any space used for the display, sale or rental of motor vehicles or trailers, in new or used operable condition.
- (9) Automobile or Vehicle Repair: A facility at which the principal activity is the servicing or repairing of motor vehicles. Such facilities include but are not limited to mechanic shops, speedy-type oil and lubrication facilities and muffler and brake repair facilities. All activities shall be carried on within a completely enclosed building and screened adequately from public view.
- (10) Basement: A story partly underground having one half or less of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining square footage.
- (11) Bed and Breakfast: Lodging facilities located in an Owner-Occupied private residence, having one (1) to four (4) guest rooms and serving breakfast to guests only.

- (12) Building: A structure having a roof, which is used or intended to be used for the shelter or enclosure of persons, animals or property.
  - a. Accessory Building: A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
  - b. Principal Building: A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.
- (13) Building Height: A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck lines of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
- (14) Building Coverage: The percentage of the plot or lot area that is covered by the building area.
- (15) Campground: A parcel of land used or intended to be used by two (2) or more camping units on a transitory or seasonal basis and conducted as a business or as part of a public use or private club.
- (16) Camping Unit: A travel trailer, tent trailer, tent, camping cabin, motor home or any other type of portable shelter intended, designed or used as sleeping quarters or temporary human occupancy.
- (17) Cellar: A story partly underground having one half or more of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage.
- (18) Certificate of Occupancy: A Certificate, issued by the Code Enforcement Officer (CEO) upon completion of construction, alteration or change in occupancy or use of a building. Said Certificate shall acknowledge compliance with all the requirements of this chapter and such adjustments, if any, granted thereto by the Board of Appeals.
- (19) Commercial Animal Boarding / Breeding Facility: A Primary or Accessory Use where Domestic or Farm animals are harbored overnight for compensation and are provided with basic supervision and care (food, sleeping and waste disposal areas). Common examples of this use include dog breeders and private or public horse stables. This land use may include facilities and area for grooming, training, riding, or shows.
- (20) Dwelling: A building designed for use exclusively for one or more dwelling units; more specifically defined as the following:
  - a. Single-Family Detached Dwelling: A building having only one dwelling unit from ground to roof, independent outside access, and open space on all sides.
  - b. Two-Family Dwelling: A building designed for or occupied exclusively by two (2) families living independently of each other.



- c. Multi-Family Dwelling: A building used or designed as a residence for three (3) or more families living independently of each other.
  - d. Dwelling Unit: A complete self-contained residential unit that provides complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single unit is intended for use by one (1) family as defined by herein.
- (21) Eating or Drinking Establishment: A structure in which the principal use is the preparation and sale of food and/or beverages.
- (22) Family:
- a. One of the following:
    - i. One (1), two (2) or three (3) persons occupying a dwelling unit; or
    - ii. Four (4) or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
  - b. It shall be presumptive evidence that four (4) or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
  - c. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
    - i. The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;
    - ii. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
    - iii. The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
    - iv. The group is permanent and stable. Evidence of such permanency and stability may include:
      - a. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
      - b. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
      - c. Members of the household are employed in the area;
      - d. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
      - e. There is common ownership of furniture and appliances among the members of the household; and

- f. The group is not transient or temporary in nature;
    - v. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.
- (23) Farm Stand: A structure or vehicle, whose principal use is the seasonal display and sale of agricultural and value added products.
  - a. Agricultural product: Any agricultural or aqua-cultural product of the soil or water, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, and fruit juice.
  - b. Value added Agricultural Product: The increase in the fair market value of an agricultural product resulting from the processing of such product.
- (24) Gasoline Station / Convenience Store: An area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and may include oil and other lubricating substances, including any sale of motor vehicle accessories, and which may include facilities for lubricating, washing or otherwise servicing motor vehicles, except painting. An establishment that satisfies this definition and also sells unrelated retail goods shall be considered both a Gasoline Station and Retail Convenience Store.
- (25) Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.
- (26) Habitable Floor Area: The heated floor area of a building, above finished grade, measured from the outside dimensions of the exterior walls used for dwelling purposes, and excluding all non-dwelling areas such as an attic, storage, carport, cellar and/or garage.
- (27) Health Care Facility: As used in this Law, the term Health Care Facility defines a facility where patients are treated or attended to by licensed medical practitioners that include but are not limited to— physicians, dentists, physical or occupational therapists, laboratory tests and diagnostic (X-ray, MRI, etc.) testing.
- (28) Home Occupations: A Home Occupation is an activity that is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit. The home occupation must be clearly incidental and secondary to the use of the dwelling for residential purposes, must be conducted by the owner-occupant and is restricted to a maximum of one (1) non-resident employee. Refer to Article VIII, Section 8-2, J, for Special Conditions applicable to home occupations.
- (29) Hotel: (See also “Motel”, “Inn” and “Bed and Breakfast”) A facility with thirteen (13) or more guest rooms, offering transient lodging accommodations on a daily rate to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.
- (30) Inn: (See also “Hotel”, “Motel” and “Bed and Breakfast”) A facility with twelve (12) or less guest rooms, offering transient lodging accommodations on a daily

rate to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

- (31) Junkyards: Any place of storage 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, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same or for any other purpose: such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together equal in bulk to two (2) or more such vehicles provided, however the term junkyard shall not be construed to mean an establishment having facilities to process iron, steel or nonferrous scrap whose principal produce is scrap iron, steel or nonferrous scrap for sale for re-melting purposes.
- a. Motor Vehicle: All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.
- (32) Light Industry: Light Industries represent research and development oriented industries, high technology enterprises, light manufacturing facilities and other moderately-intensive industrial activities capable of operation in such a manner as to adequately control the external effects of the manufacturing process, such as odors, vibrations, emissions, noise or other nuisance characteristics beyond the property boundaries, through prevention or mitigation devices and conduct of operations wholly within the confines of buildings.
- (33) Lot: A parcel of land, used or set aside, 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, nor 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 owner of the lot. A lot for the purpose of this Law may or may not coincide with a lot of record.
- a. Corner Lot: A parcel of land at the junction of and fronting on two or more intersecting streets.
- b. Through Lot: An interior lot having frontage on two parallel or approximately parallel streets.
- c. 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 sidelines of the lot.
- d. Lot Width: The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
- (34) Lot Line: Any boundary line of a Lot.
- (35) Marina: A lakeshore business whose purpose includes the sale of boats, supplies, fuel including gas and or marine fuel, to/for boats and marine equipment; rental of boats, marine equipment including sale of fishing and

boating supplies, dock and mooring space; provision of winter storage; service of boats and marine equipment; and/provisions for boat access to the lake.

- (36) Mobile Home: As used in this Law, the term mobile home is defined by the N.Y.S. Residential Code, Appendix E Section AE201 as follows: A movable or portable dwelling unit that was built prior to June 15, 1976 and that was designed and constructed to be towed on its own chassis comprising frame and wheels; connected to utilities; and designed and constructed without a permanent foundation for year round living, excluding travel trailers.
- (37) Mobile Home Park: A parcel of land under single ownership, which is offered to the public, whether or not for compensation, for the placement of two (2) or more residential buildings that are less than twenty (20) feet in width, regardless of their construction.
- (38) Motel: A building or group of buildings in which lodging is provided for compensation for primarily automobile transients and which has individual entrances to the dwelling or rooming units from outside of the building for at least 25% of such units located therein and providing additional services such as restaurants, meeting rooms and recreational facilities.
- (39) Nonconforming Lot, Structure or Use:
  - a. Nonconforming Structure or Lot: A structure or lot that does not conform to a dimensional regulation prescribed by this Law for the district in which it is located or to regulations for signs, off-street parking, off-street loading or accessory buildings, but which structure or lot was in existence at the effective date of this Law and was lawful at the time it was established.
  - b. Nonconforming Use: A use of a building or lot that does not conform to a use regulation prescribed by this Law for the district in which it is located, but which was in existence at the effective date of this Law and was lawful at the time it was established.
- (40) Nursing Home / Assisted Living Facility: The Zoning Ordinance provides two (2) distinct definitions for Nursing Home and for Assisted Living Facility with the distinction based on size and scale of the facility:
  - a. Nursing Home: An establishment where elderly, sick, invalid, infirm or convalescent persons are housed or provided lodging, furnished with meals and long-term nursing care and rehabilitation for hire, and where such facility is limited to greater than six (6) units for housing or providing lodging for such persons.
  - b. Assisted Living Facility: An establishment where elderly, sick, invalid, infirm or convalescent persons are housed or provided lodging, furnished with meals and long-term nursing care and rehabilitation for hire, and where such facility is equal to or less than six (6) units for housing or providing lodging for such persons.
- (41) Office: Professional or Business: As used in this Law, the term Professional or Business Office defines a building, or a portion of a building, exclusively occupied to perform services as a principal, accessory or incidental use of an

administrative, professional or clerical nature and includes activities such as: insurance, real estate, financial, legal, design, and management. It shall exclude a "Health Care Facility" separately defined in this code.

- (42) Personal Service Use: As used in this Law, the term Personal Service Use defines a commercial activity where the customer is typically present and is the direct object of the services received and characterized by the direct on-premises sale of services to the ultimate customer and includes uses commonly referred to as: "barbershops," "beauty salons," "dry cleaners," "self-service laundries" and similar activities.
- (43) Retail Use / Retail Shop: A single-site activity primarily characterized by the on-premises sale and display of goods and services to the consumer; the use may contain areas for related accessory uses. Examples include uses commonly referred to as: "department stores," "hardware stores," "grocery stores," "boutiques," "craft shops," "appliance repair shops," "video rental stores" and "personal service uses" (defined separately in this code). Excluded are the following principal uses: restaurants; gasoline service stations; motor vehicle sales, service or rental; and outdoor retail sales, display or service. Please note that Retail Use / Retail Shop is defined as a stand-alone business operation to differentiate the stand alone or single-site retail use from the coordinated assembly of retail uses typified by a "Shopping Center" which is defined separately in this ordinance and use regulations.
- (44) Right-of-Way: Land set aside for use as a street, alley or other means of travel.
- (45) Roomer, Boarder or Lodger: A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified for purposes of this Law not as a roomer, boarder, or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).
- (46) 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. It may also be referred to as "off-lot" or "off-site" sewer.
  - 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.
- (47) Shopping Center: A Shopping Center is comprised of a group or groups of integrated structures designed as an architectural unit within which retail trade and related service activities shall wholly be conducted in an enclosed building; planned, developed, owned and managed as a unit.
- (48) Sign: Sign shall mean and include any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a

structure or other outdoor surface, or upon or attached to the inside of a window that in effect is visible as a sign from the outside of the structure, that shall display or include any letter, word, insignia, flag or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public.

- a. On-Premises Sign: A sign that directs attention to a person, business, profession, home occupation or activity conducted on the same lot. A "for sale" or "for rent" sign relating to the lot on which it is displayed shall be deemed an "on-premises" sign.
  - b. Off-Premises Sign: A sign that directs attention to a person, business, profession, product, home occupation or activity not conducted on the same lot on which such sign is placed.
- (49) Spa: A commercial establishment that promotes health and wellness through the provision of therapeutic and other professional services aimed at renewing the body, mind and spirit, including but not limited to bathing, exercising, acupuncture and herbal medicine, chiropractic, massage and spa treatments, reflexology, Reiki, and Yoga.
- (50) Story: The portion of a building enclosed between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.
- (51) Street: A public or private way used or intended to be used for passage or travel by vehicles.
- (52) Street Line: The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where a future right-of-way width for a road or street has been established that width shall determine the location of the street line.
- (53) Structure: A combination of materials assembled, constructed or erected at a fixed location including a building, the use of which requires location on the ground or attachment to something having location on the ground.
- (54) Telecommunications / Towers: The Zoning Ordinance provides five (5) definitions related to Telecommunications, Towers and Utility Substations: Telecommunications; Telecommunications Facility; Telecommunications Tower; Tower; and Utility Substation. The definitions are:
- a. Telecommunications: The transmission and reception of audio, video, data and other information by wire, radio and other electronic or electromagnetic systems.
  - b. Telecommunications Facility: Telecommunications towers and associated antennas and accessory structures.
  - c. Telecommunications Tower: A structure designed to support antennas. It includes, without limit, freestanding towers, guyed towers, monopoles and similar structures that employ camouflage technology. It is a structure intended for transmitting and/or receiving radio, television, telephone or microwave communications, but excluding those used either for fire,

police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar communications.

- d. Tower: Any tower, pole, windmill or other structure, whether attached to a building, guyed or freestanding, designed to be used for and/or for the support of any device for the transmission and/or reception of radio frequency signals, including, but not limited to, broadcast, shortwave, citizen's band, FM or AM television, microwave and any wind driven devices, whether used for energy production or not.
  - e. Utility Substation: Land occupied by a building, structure or equipment used for private business or by a private or public utility service regulated by the NYS Public Service Commission or a federal agency in the transmission or collection of energy, water, or sanitary waste and may include communication towers, transmission poles and towers, cellular phone towers or antennas, pump stations, and equipment monitoring buildings. It excludes transmission facilities for public broadcasting use; offices for public benefit; vehicles, equipment and material storage; warehousing and similar functions.
- (55) Travel Trailer: A vehicle or portable structure built on a chassis and designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses, and which may or may not have sanitary facilities.
- (56) 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.
- a. Use, Accessory: A use located on the same lot with a principle use, and clearly incidental or subordinate to, and customary in connection with, the principle use.
  - b. Use, Principle: The main, or primary, use on a lot.
- (57) 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.
- a. Yard, Front: A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.
  - b. Yard, Rear: A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
  - c. 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 lot a 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.

## **ARTICLE II ADMINISTRATION**

### **2-1 ZONING OFFICER POWERS & DUTIES**

- A. It shall be the duty of the Zoning Officer (also referred to as the Code Enforcement Officer or CEO), who shall be appointed by the Village Board, to administer and enforce the provisions of this Law. The Zoning Officer shall have the power to:
- (1) Receive and examine applications for Zoning/Building Permits and to refer application to the Planning Board or Town Board for review and recommendation, when deemed advisable or when required by this Law.
  - (2) Issue Zoning/Building Permits after approval and Certification of Occupancy when there is compliance with the provisions of this Law and with other Village local laws provided, however, the issuance of a Zoning/Building Permit or a Certificate of Occupancy shall not be deemed a waiver of the requirements of any other Village Law or local law.
  - (3) Receive applications for Special Use Permits and Planned Development (PD) Districts and forward these applications to the Village Board for action thereon.
  - (4) Following refusal of a permit, to receive applications for appeals from alleged error of the Zoning Office and variances and forward these applications within three (3) business days to the Board of Appeals for action thereon.
  - (5) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Law on a monthly basis or such term as the Village Board may determine.
  - (6) Issue stop, cease and desist orders, and order in writing the correction of all conditions found to be in violation of the provisions of this Law. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Law.
  - (7) With the approval of the Village Board, or when directed by them, institute in the name of the Village, any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation, so as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
  - (8) Revoke by order, a zoning permit issued under a mistake of fact or contrary to the Law or to the provisions of this Law.
  - (9) Maintain a map showing the correct zoning classification of all land.
  - (10) Upon the request of the Village Board, the Planning Board or the Board of Appeals, present to such bodies facts, records or reports which they may request to assist them in making decisions.



## **2-2 ZONING PERMITS**

- A. No structure shall be erected, constructed, extended or moved; and no land or building changed in use, until a Zoning Permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, extension or moving of structures, the applicant shall notify the Zoning Officer of such completion.
- B. No permit shall be considered complete or permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Law.
- C. Zoning permits shall not be required for: general maintenance work, painting, clearing woodlands, building ponds, tilling the soil, raising animals, constructing terraces, steps or other similar features, or landscaping. However, all such activities shall conform to the requirements of this Law.
- D. Zoning permits shall be issued with a two (2) year life, provided, however, that if the work is not commenced within six (6) months after the issuance of the Zoning Permit, the permit shall automatically expire and a new permit shall be required before such work or change in uses commences.

## **2-3 SPECIAL PROVISIONS FOR ISSUANCE OF ZONING PERMITS IN AREAS DESIGNATED AS FLOOD HAZARD AREAS**

- A. The Zoning Officer when reviewing applications for Zoning Permits in areas designated as Flood Hazard Areas of any district, including plans and specifications for the proposed construction, shall in addition to the regular duties, review all Zoning Permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.
- B. The Zoning Officer shall review all Zoning Permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations that have flood hazards.
- C. The Zoning officer, in reviewing all applications for construction in flood hazard locations within the Village, shall require that any such proposed construction shall comply with FEMA regulations to mitigate flood damage. (44CFR60.3)

## **2.4 CERTIFICATES OF OCCUPANCY**

- A. No land shall be used or occupied and no building hereafter erected, installed, altered or extended, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Zoning Officer stating that the buildings or proposed use thereof complies with the provisions of this Law and other Laws of the Village of Union Springs.

## **2.5 APPLICATION REQUIREMENTS FOR ZONING PERMITS**

- A. All applications for Zoning Permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Village, and shall be filed with the Zoning Officer or designated consulting firm. The application shall:
  - (1) Include a statement as to the proposed use of the building or land.

- (2) Include a site layout, drawn to scale, showing the location, dimensions and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines.
  - (3) Include the number, location and design of parking spaces and loading spaces if applicable.
  - (4) Include the size, dimensions, location and methods of illumination for signs, if applicable.
  - (5) Include any additional plans and information reasonably necessary for the Zoning Officer to ascertain whether the proposed use, change in use, erection, alteration or addition complies with the provisions of this Law.
- B. A permit for any new use or construction which will involve the on-site disposal of sewage or waste, or a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, or which will require a new or modified water supply, shall not be issued until a certificate of approval has been issued by the Cayuga County Health Department.

## **2-6 ISSUANCE OF PERMITS**

Zoning Permits shall be granted or refused within fifteen (15) days after a complete written application has been filed with the Zoning Officer except as provided elsewhere in this Law. Upon completion of the activity authorized by any Zoning Permit, the holder of such permit shall notify the Zoning Officer of such completion. All applications with accompanying plans and documents shall become, and be preserved, as a public record, subject to the disposition of the Village Board.

## **2-7 APPLICATION FEES**

The applicant, at the time of application for a Zoning Permit, shall pay to the appropriate Village official the fee for said permit as established by the Village Board. The Village Board may, from time to time, amend the fee schedule. Fees shall be established by the Village Board by resolution.

## **ARTICLE III BOARDS**

### **3-1 ESTABLISHMENT, MEMBERSHIP AND PROCEDURE: ZONING BOARD OF APPEALS**

**A. Establishment of the Zoning Board of Appeals.**

- (1) In order that the objectives of this Law may be more fully and equitably achieved and a means for competent interpretation of this Law provided, there is, established a Zoning Board of Appeals for the Village.

**B. Membership, Terms of Office, Zoning Board of Appeals.**

- (1) The Zoning Board of Appeals shall consist of five (5) members and one (1) alternate, appointed by the Village Board for overlapping five (5) year terms with at least one (1) term expiring each year.

**C. Procedures, Meetings, Records and Decisions.**

- (1) Procedures: The Village Board shall appoint a Chairman and the Zoning Board of Appeals shall appoint a Secretary and shall prescribe rules in accordance with the provisions of the State Statutes and this Law for the conduct of its affairs.
- (2) Meetings: Meetings shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure.
- (3) Records and Decisions:
  - a. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to the disposition of every case considered together with the votes of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
  - b. Every decision of the Zoning Board of Appeals shall bear the signature of the Chairman of the Zoning Board of Appeals on the original thereof.
  - c. All decisions of the Zoning Board of Appeals shall be permanently filed with the Village Clerk within five (5) business days of Board decision being rendered and shall be deemed part of official Village records.
  - d. The Zoning Board of Appeals shall notify the Village Board, Planning Board and the Zoning Officer of all decisions and resolutions.
- (4) Notice of Hearings. Upon filing with the Zoning Board of Appeals of an application for a Zoning Variance, or Appeal from Alleged Error of the Zoning Officer, the Board shall fix a reasonable time and place for a public hearing thereon and give notice as required by State Law at least five (5) days prior to such Hearing. (See New York State Village Law, Article 7,§7-712-a)

### **3-2 POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS**

- A. Appeals from Alleged Error of the Zoning Officer. The Zoning Board of Appeals shall have the power and duty to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination; including any order requiring an alleged violator to stop, cease, and desist made by the Zoning Officer in enforcement of this Law.
- B. Powers and Duties of the Zoning Board of Appeals / Variances.
- (1) Use Variances: The Board of Appeals, on appeal from the decision or determination of the Zoning Officer, shall have the power to grant Use Variances. In order to grant the Use Variance, the applicant shall have the burden to prove that their application meets each of the four (4) required criteria listed below:
    - a. No such Use Variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that, for each and every Permitted Use under the zoning regulations for the particular district where the property is located, the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. In addition, the alleged hardship relating to the property in question must be unique, and not apply to a substantial portion of the district or neighborhood.
    - b. That the requested Use Variance, if granted, will not alter the essential character of the neighborhood.
    - c. That the alleged hardship has not been self-created.
    - d. The board of appeals, in the granting of Use Variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
  - (2) Area Variances: The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the Zoning Officer, to grant Area Variances. In order to grant the Area Variance the applicant has the burden to prove that their application meets the required criteria.
    - a. Considerations in Approving Area Variances: In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
      - i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

- ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.
  - iii. Whether the requested Area Variance is substantial.
  - iv. Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
  - v. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the Area Variance.
  - vi. The Board of Appeals, in the granting of Area Variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (3) Imposition of Conditions: The Board of Appeals shall, in the granting of both Use Variances and Area Variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### **3-3 WHO MAY APPEAL**

- A. Appeals to the Board of Appeals may be taken by any person or Village Official aggrieved or affected by any provision of this Law or by any decision including any order to stop, cease, and desist issued by the Zoning Officer in enforcing the provisions of this Law.

### **3-4 RULES AND PROCEDURES FOR FILING APPEALS AND APPLICATIONS**

- A. General rules and procedures for appeals and applications:
- (1) Any appeal shall be made by filing an application with the Zoning Officer within sixty (60) days after the date of the Zoning Officer's adverse decision.
  - (2) All appeals and applications made to the Board shall be in writing or on standard forms prescribed by the Board.
  - (3) All appeals and applications shall refer to the specific provisions of this Law.
  - (4) All appeals and applications shall set forth names and addresses of all adjoining owners including those across public roads from the subject property.
- B. Appeals from Alleged Error: Appeals from alleged error of the Zoning Officer shall specify the alleged error, the Section or Sections of this Law to which it pertains, and the interpretation thereof that is claimed.

- C. Variance Appeals: Appeals for variance from the strict application of this Law shall include the Zoning Permit application denied by the Zoning Officer together with a statement with any supporting evidence regarding the requirements listed in Section 3-2, B.
- D. Special Use Permit Applications: Applications for special use permits shall include a Zoning Permit application with all information required therein and a statement with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal complies with the general specific requirements of this Law.

### **3-5 APPEALS TO COURT**

- A. Any person or persons, jointly or severally aggrieved by a decision of the Board of Appeals or any officer, department, Board or Bureau of the Village, may apply to the Supreme Court for review by a proceeding under Article seventy-eight (78) of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Village Clerk.

### **3-6 FEES**

- A. Appeals and applications before the Board of Appeals shall be accompanied by a payment to the Village in accordance with a Fee Schedule adopted by resolution of the Village Board.

### **3-7 VILLAGE BOARD: POWERS AND DUTIES FOR SPECIAL USE PERMITS**

- A. The Village Board of Union Springs shall hear and decide upon applications for Special Use Permits for any of the uses for which this Law requires the obtaining of a Special Use Permit from the Board.
- B. Applicant shall have the burden of proof in establishing their right to a Special Use Permit.
- C. General Requirements and Standards Applicable to all Special Use Permits:
  - (1) The Board shall grant a Special Use Permit when it finds adequate evidence that any proposed use submitted for a Special Use Permit will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use in Article VIII, Section 8-2. The Board shall among other things require that any proposed use and location be:
    - a. In the best interests of the Village, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.
    - b. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
    - c. In conformance with all applicable requirements of this Law.
    - d. Suitable in terms of effects on street or highway traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.

- (2) In granting a Special Use Permit, the Village Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Law. These conditions may include but are not limited to the following:
- a. Increasing the required lot size or yard dimension.
  - b. Limiting the height, size or location of buildings.
  - c. Controlling the location and number of vehicle access and/or egress points.
  - d. Increasing the number of required off-street parking spaces or limiting the requested off-street parking for a specific use.
  - e. Limiting the number, size, type, location and lighting of signs.
  - f. Limiting the number, size, location and type of lighting.
  - g. Requiring fencing, screening, landscaping or other site components to protect adjacent or nearby property.
  - h. Designating sites for open space and/or buffering.

### **3-8 VILLAGE PLANNING BOARD REVIEW OF SPECIAL USE PERMITS**

- A. The Village Board shall request an advisory opinion from the Village Planning Board on all applications for Special Use Permits. The Planning Board must submit a report of such advisory opinion prior to the date of the Public Hearing held by the Village Board on such permit application. Failure to provide a report by the Village Planning Board prior to the date of the Public Hearing shall be interpreted by the Village Board as a recommendation by the Village Planning Board for approval of such application.

### **3-9 COUNTY PLANNING BOARD: ZONING REFERRAL AND REVIEW**

- A. The Zoning Board of Appeals and the Village Board shall refer Use Variance, Site Plans, Subdivision and Special Use Permit applications to the County Planning Board when required by N.Y.S. General Municipal Law and the Cayuga County policies and procedures for GML §239, L,M & N review.

## **ARTICLE IV VIOLATIONS**

### **4-1 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, Law or other regulation made under authority conferred thereby, the proper local authorities of the Village, 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 Village to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the Village so to proceed, any three taxpayers of the Village 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 Village is authorized to do.

### **4-2 FINES AND PENALTIES**

- A. For any and every violation of the provisions of this Law.
- (1) 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 other exist; and
  - (2) 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 (\$50.00) dollars or by imprisonment for a period not exceeding six (6) months or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.
- B. Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate and report thereon to the Village Board.



## ARTICLE V DISTRICTS

### 5-1 DISTRICTS ESTABLISHED

- A. For the purpose of promoting the public health, safety, and general welfare of the Village of Union Springs, the Village is hereby divided into the following Zoning Districts:

<i><b>District Designation</b></i>	<i><b>District Title</b></i>	<i><b>Brief Description</b></i> <i><b>(See Article VI for more detailed descriptions.)</b></i>
<b>AR</b>	Agricultural Residential	Provides a rural atmosphere within the Village while also allowing some low impact farming practices within the Village.
<b>RR</b>	Rural Residential	Primarily large lot residential with larger single family homes.
<b>R</b>	Residential	This area is higher density single family lots.
<b>LR</b>	Lakeside Residential	This zone generally includes residential parcels with portions of the parcels bordering directly on Cayuga Lake.
<b>HB</b>	Historic Business	This zone is located in the Village Center and includes lots with frontage on Cayuga Street (Scenic State Route 90) and is bordered to the north by Chapel Street and to the south by Center Street.
<b>C</b>	Commercial	Lots that the primary use is for activities involving the sale of goods and services carried out for profit.
<b>NC</b>	Neighborhood Commercial	This district allows both residential and commercial, but any commercial activity must take place within a structure that resembles a residential structure, or was formally a residential structure, and the lot must have a site plan that shows yards with landscaping in the front and parking to either the side or rear of the property.
<b>WC</b>	Waterfront Commercial	Lots that the primary use is for activities involving the sale of goods and services carried out for profit that have Cayuga Lake frontage.
<b>P</b>	Park	Areas that are owned by the Village or other organizations that the Village has determined should remain undeveloped and in a natural state.
<b>PD</b>	Planned Development	An overlay zone that provides flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit.
<b>F</b>	Floodplain	An overlay zone that requires site plan review for any development within this zone. Does not impact the underlying use zoning.

### 5-2 OFFICIAL ZONING DISTRICT MAP

- A. Said districts are bounded as shown on a map entitled "Village of Union Springs Zoning Map" certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Law. (Map 1, Appendix II)

### **5-3 INTERPRETATION OF DISTRICT BOUNDARIES**

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines or highway lines shall be construed to be such boundaries.
  - (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
  - (3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as shall be determined by the use of the scale shown on the Zoning Map.
  - (4) In case of further uncertainty as to the true location of a zoning district boundary line in a particular instance, the Zoning Board of Appeals shall determine the location of such boundary.

## **ARTICLE VI ZONING DISTRICT REGULATIONS**

### **6-1 AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT**

- A. **PURPOSE AND INTENT:** The purpose and intent in establishing the Agricultural Residential (AR) Zoning District is to provide areas within the Village of Union Springs where some low-impact farming practices will be permitted within the context of existing and future residential uses. The establishment of the AR District and the continuation of farming practices within the Village of Union Springs will contribute to and maintain the rural character prevalent in the AR District areas.
- B. **PERMITTED USES:** The following uses are permitted by right within the Agricultural Residential (AR) Zoning District:
- (1) Accessory Structures and Buildings
  - (2) Accessory Uses
  - (3) Assisted Living Facility
  - (4) Bed and Breakfast
  - (5) Cemetery
  - (6) Child Care Facility, including Pre-School
  - (7) Clear Cutting Woodlands
  - (8) Conversion: Single-Family Dwellings converted to Two-Family Dwellings
  - (9) Docks (Water)
  - (10) Farm Stand
  - (11) Fire Station
  - (12) Greenhouse
  - (13) Health Care Facility
  - (14) Home Occupation
  - (15) Inn
  - (16) Keeping or Raising of Farm Animals
  - (17) Keeping or Raising of Domestic Animals
  - (18) Library
  - (19) Mixed-use building combining permitted residential and commercial uses
  - (20) Multi-Family Dwelling
  - (21) Nursing Home
  - (22) Park or Recreation Area (wherein the chief activity shall consist of outdoor recreation and which is owned and operated by a not-for-profit organization)
  - (23) Places of Worship

- (24) Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private, gainful business
  - (25) Single-Family Dwelling
  - (26) Spa Facility
  - (27) Two-Family Dwelling
  - (28) Veterinary Services
- C. SPECIAL USES PERMITTED: The following uses are permitted within the Agricultural Residential (AR) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:
- (1) Animal Care / Training Facility
  - (2) Automobile Sales & Auto Dealerships
  - (3) Automobile or Vehicle Repair
  - (4) Bank and/or Financial Institution
  - (5) Business and Professional Office
  - (6) Campground
  - (7) Commercial Antenna, Micro-Relay Station
  - (8) Commercial Domestic Animal Boarding Facility
  - (9) Commercial (Non-Domestic) Animal Boarding Facility
  - (10) Eating or Drinking Establishment
  - (11) Emergency Dwelling
  - (12) Gasoline Station and/or Convenience Store
  - (13) Golf Course (also requires PD approval; see Section 6-12, A(3))
  - (14) Hotel and/or Motel
  - (15) Light Industrial Uses
  - (16) Marina
  - (17) Mobile Home Park (also requires PD approval; see Section 6-10, D(4)e))
  - (18) Parking for Fee
  - (19) Personal Service Use
  - (20) Private Club or Lodge for members only and operated by a not-for-profit organization
  - (21) Retail Use
  - (22) Riding Academy
  - (23) Telecommunication and/or Cell Tower Facility
  - (24) Undertaking and Funeral Parlor

(25) Veterinary Services

- D. LOT SIZE & DIMENSIONAL REQUIREMENTS: The following Lot Size and Dimensional Requirements apply to lots within the Agricultural Residential (AR) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).

- (1) Minimum LOT SIZE is Twenty-Thousand (20,000) Square Feet.
- (2) Minimum ROAD FRONTAGE is One Hundred (100) Linear Feet
- (3) Maximum BUILDING COVERAGE on Lot is thirty percent (30%)
- (4) Minimum YARD SETBACKS:
  - a. FRONT YARD SETBACK: Thirty (30) Feet
  - b. SIDE YARD SETBACK: Ten (10) Feet
  - c. REAR YARD SETBACK: Thirty (30) Feet
- (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

**6-2 RURAL RESIDENTIAL (RR) ZONING DISTRICT**

- A. PURPOSE AND INTENT: The purpose and intent in establishing the Rural Residential (RR) Zoning District is to provide a district within the Village of Union Springs where the primary use is single-family homes situated on larger lots as compared to the Residential (R) Zoning District which allows smaller lots and housing developments with higher densities.
- B. PERMITTED USES: The following uses are permitted by right within the Rural Residential (RR) Zoning District:
- (1) Accessory Structures and Buildings
  - (2) Bed and Breakfast
  - (3) Conversion: Single-Family Dwellings converted to Two-Family Dwellings
  - (4) Farm Stand
  - (5) Fire Station
  - (6) Greenhouse
  - (7) Home Occupation
  - (8) Inn
  - (9) Keeping or Raising of Domestic Animals
  - (10) Library
  - (11) Places of Worship
  - (12) Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private, gainful business
  - (13) Single-Family Dwelling
  - (14) Two-Family Dwelling

C. **SPECIAL USES PERMITTED:** The following uses are permitted within the Rural Residential (RR) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:

- (1) Accessory Uses
- (2) Assisted Living Facility
- (3) Automobile or Vehicle Repair
- (4) Bank and/or Financial Institution
- (5) Business and/or Professional Office
- (6) Cemetery
- (7) Child Care Facility, including Pre-School
- (8) Clear Cutting of Woodlands
- (9) Commercial Antenna, Micro-relay Stations
- (10) Eating or Drinking Establishment
- (11) Emergency Dwelling
- (12) Golf Course (also requires PD approval; see Section 6-12, A(3))
- (13) Health Care Facility
- (14) Mixed-use building combining permitted residential and commercial uses
- (15) Mobile Home Park (also requires PD approval; see Section 6-10, D(4)e)
- (16) Multi-Family Dwelling
- (17) Nursing Home
- (18) Park or Recreation Area (wherein the chief activity shall consist of outdoor recreation and which is owned and operated by a not-for-profit organization)
- (19) Parking for Fee
- (20) Personal Service Use
- (21) Private Club or Lodge for members only and operated by a not-for-profit organization
- (22) Retail Use
- (23) Telecommunication and/or Cell Tower Facility
- (24) Undertaking and Funeral Parlor
- (25) Veterinary Services

D. **LOT SIZE & DIMENSIONAL REQUIREMENTS:** The following Lot Size and Dimensional Requirements apply to lots within the Rural Residential (RR) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).

- (1) Minimum LOT SIZE is Thirty-Thousand (30,000) Square Feet.

- (2) Minimum ROAD FRONTAGE is One Hundred and Fifty (150) Linear Feet
- (3) Maximum BUILDING COVERAGE on Lot is thirty percent (30%)
- (4) Minimum YARD SETBACKS:
  - a. FRONT YARD SETBACK: Thirty (30) Feet
  - b. SIDE YARD SETBACK: Twenty (20) Feet
  - c. REAR YARD SETBACK: Thirty (30) Feet
- (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

### **6-3 RESIDENTIAL (R) ZONING DISTRICT**

- A. PURPOSE AND INTENT: The purpose and intent in establishing the Residential (R) Zoning District is to preserve and codify the existing areas within the Village where higher density, Single-Family and Two-Family residential dwellings are the primary use and where, with approval by the Village Board and in compliance with this Law, some limited higher density residential uses and/or community organization and facility uses are permitted through a Special Use Permit approval process.
- B. PERMITTED USES: The following uses are permitted by right within the Residential (R) Zoning District:
  - (1) Accessory Structures and Buildings
  - (2) Bed and Breakfast
  - (3) Farm Stand
  - (4) Greenhouse
  - (5) Home Occupations
  - (6) Inn
  - (7) Keeping or raising of Domestic Animals
  - (8) Place of Worship
  - (9) Single-Family Dwelling
  - (10) Two-Family Dwelling
- C. SPECIAL USES PERMITTED: The following uses are permitted within the Residential (R) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:
  - (1) Accessory Uses
  - (2) Conversion – Single-Family Dwelling converted to a Two-Family Dwelling
  - (3) Emergency Dwelling
  - (4) Multi-Family Dwelling
  - (5) Private Club or Lodge for members only and operated by a not-for-profit organization

- (6) Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private, gainful business
- D. **LOT SIZE & DIMENSIONAL REQUIREMENTS:** The following Lot Size and Dimensional Requirements apply to lots within the Residential (R) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).
  - (1) Minimum LOT SIZE is Seven-Thousand, Five Hundred (7,500) Square Feet.
  - (2) Minimum ROAD FRONTAGE is Sixty (60) Linear Feet
  - (3) Maximum BUILDING COVERAGE on Lot is forty percent (40%)
  - (4) Minimum YARD SETBACKS:
    - a. FRONT YARD SETBACK: Twenty (20) Feet
    - b. SIDE YARD SETBACK: Ten (10) Feet
    - c. REAR YARD SETBACK: Ten (10) Feet
  - (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

#### **6-4 LAKESIDE RESIDENTIAL (LR) ZONING DISTRICT**

- A. **PURPOSE AND INTENT:** The purpose and intent in establishing the Lakeside Residential (LR) Zoning District is to acknowledge the existence and special character of the primarily residential areas adjacent to Cayuga Lake and to establish use and dimensional requirements for this residential zone which address the residential nature and development constraints for the area.
- B. **PERMITTED USES:** The following uses are permitted by right within the Lakeside Residential (LR) Zoning District:
  - (1) Accessory Structures & Buildings
  - (2) Bed and Breakfast
  - (3) Docks (Water)
  - (4) Farm Stand
  - (5) Greenhouse
  - (6) Inn
  - (7) Keeping or Raising Domestic Animals
  - (8) Place of Worship
  - (9) Single-Family Dwelling
  - (10) Two-Family Dwelling
- C. **SPECIAL USES PERMITTED:** The following uses are permitted within the Lakeside Residential (LR) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:



- (1) Accessory Uses
- (2) Conversion – Single-Family Dwelling converted to a Two-Family Dwelling
- (3) Emergency Dwelling
- (4) Home Occupations
- (5) Multi-Family Dwelling
- (6) Private Club or Lodge for members only and operated by a not-for-profit organization
- (7) Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private, gainful business

D. **LOT SIZE & DIMENSIONAL REQUIREMENTS:** The following Lot Size and Dimensional Requirements apply to lots within the Lakeside Residential (LR) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).

- (1) Minimum LOT SIZE is Twenty-Thousand (20,000) Square Feet.
- (2) Minimum ROAD FRONTAGE is One Hundred (100) Linear Feet
- (3) Maximum BUILDING COVERAGE on Lot is forty percent (40%)
- (4) Minimum YARD SETBACKS:
  - a. FRONT YARD SETBACK: Thirty (30) Feet
  - b. SIDE YARD SETBACK: Ten (10) Feet
  - c. REAR YARD SETBACK: Thirty Five (35) Feet
- (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

E. **ADDITIONAL REGULATIONS FOR ALL USES IN LAKESIDE RESIDENTIAL (LR) ZONING DISTRICT:**

- (1) No building in the Lakeside Residential (LR) Zoning District shall be located closer than twenty (20) feet to the edge of the flood prone level of Cayuga Lake, 386 feet North American Vertical Datum 1998 (NAVD88).
- (2) All Lakeside Residential (LR) Zoning District development shall be connected to public sewer and water.
- (3) If subdivision of a parcel of real property occurs within the Lakeside Residential (LR) Zoning District, only the parcels that have Cayuga Lake frontage will remain part of the Lakeside Residential (LR) Zoning District and subject to the Lakeside Residential (LR) Zoning District regulations herein. Any parcels that no longer have frontage on Cayuga Lake following subdivision will inherit the Zoning District designation of adjacent parcels that are not Lakeside Residential (LR) Zoning District. If there is more than one Zoning District adjacent to the subdivided parcel that no longer has Cayuga Lake frontage, a determination will be made by the Zoning Board of Appeals regarding the new parcel's appropriate zoning designation. After the subdivision is approved, the official Zoning Map, located in Appendix II, will be updated through a Zoning Law Amendment to

show the new geographical boundaries of the affected parcels and zoning districts.

## **6-5 HISTORIC BUSINESS (HB) ZONING DISTRICT**

- A. **PURPOSE AND INTENT:** The Historic Business (HB) Zoning District is located in the Village Center of Union Springs and includes lots with frontage on Cayuga Street (also designated as Scenic Byway New York State Route 90) and is bordered to the north by Chapel Street and to the south by Center Street. The Historic Business (HB) Zoning District contains the core of the historic commercial retail shops/uses within the Village of Union Springs with many of the nineteenth-century buildings sharing cornice heights and styles and creating a cohesive street façade where adjacent buildings all align to the sidewalk edge along the street. The purpose and intent in establishing the Historic Business (HB) Zoning District is to acknowledge the character and nature of this commercial area while providing use and dimensional regulations that encourage infill development compatible with the existing street pattern and architectural context.
- B. **PERMITTED USES:** The following uses are permitted by right within the Historic Business (HB) Zoning District:
- (1) Accessory Structures and Buildings
  - (2) Banks and/or Financial Institutions
  - (3) Bed and Breakfast
  - (4) Business and Professional Office
  - (5) Child Care Facilities, including Preschool
  - (6) Eating or Drinking Establishment
  - (7) Farm Stand
  - (8) Greenhouse
  - (9) Health Care Facility
  - (10) Home Occupation
  - (11) Inn
  - (12) Keeping or raising Domestic Animals
  - (13) Library
  - (14) Mixed-use building combining permitted residential and commercial uses. No residential use or units shall be permitted on the first floor of buildings within the Historic Business (HB) Zoning District.
  - (15) Personal Service Use
  - (16) Place of Worship
  - (17) Retail Use
  - (18) Single-Family Dwelling
  - (19) Spa Facility

- C. **SPECIAL USES PERMITTED:** The following uses are permitted within the Historic Business (HB) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:
- (1) Emergency Dwelling
  - (2) Hotel or Motel
  - (3) Light Industrial Use
  - (4) Multi-Family Dwelling
  - (5) Park or Recreation Area (wherein the chief activity shall consist of outdoor recreation and which is owned and operated by a not-for-profit organization)
  - (6) Parking for Fee
  - (7) Private Club or lodge for members only and operated as a not-for-profit
  - (8) Religious, sectarian and non-sectarian, denominational, private or public school, conducted as a private, gainful business
  - (9) Two-Family Dwelling
  - (10) Undertaking and Funeral Parlor
  - (11) Veterinary Services
- D. **LOT SIZE & DIMENSIONAL REQUIREMENTS:** The following Lot Size and Dimensional Requirements apply to lots within the Historic Business (HB) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).
- (1) Minimum LOT SIZE is Five-Thousand (5,000) Square Feet.
  - (2) Minimum ROAD FRONTAGE is Twenty-Four (24) Linear Feet
  - (3) Maximum BUILDING COVERAGE on Lot is Eighty-Five percent (85%)
  - (4) Minimum YARD SETBACKS:
    - a. FRONT YARD SETBACK: Zero (0) Feet
    - b. SIDE YARD SETBACK: Zero (0) Feet
    - c. REAR YARD SETBACK: Zero (0) Feet
  - (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

## **6-6 COMMERCIAL (C) ZONING DISTRICT**

- A. **PURPOSE AND INTENT:** The purpose and intent in establishing the Commercial (C) Zoning District is to acknowledge and sustain the section of the Village of Union Springs that traditionally included commercial uses and enterprises and to establish a zoning district where the primary land use involved the sale and/or manufacture of goods and services carried out for profit.
- B. **PERMITTED USES:** The following uses are permitted by right within the Commercial (C) Zoning District:

- (1) Accessory Structures and Buildings
  - (2) Banks and/or Financial Institutions
  - (3) Bed and Breakfast
  - (4) Business and Professional Office
  - (5) Child Care Facilities, including Pre-school
  - (6) Eating or Drinking Establishment
  - (7) Farm Stand
  - (8) Greenhouse
  - (9) Health Care Facility
  - (10) Home Occupation
  - (11) Inn
  - (12) Keeping or raising Domestic Animals
  - (13) Library
  - (14) Park or Recreation Area (wherein the chief activity shall consist of outdoor recreation owned and operated by a not-for-profit organization)
  - (15) Personal Service Use
  - (16) Place of Worship
  - (17) Retail Uses
  - (18) Shopping Center (requires PD Approval, see Section 6-12, A(2))
  - (19) Spa Facility
  - (20) Undertaking and Funeral Parlors
  - (21) Veterinary Services
- B. **SPECIAL USES PERMITTED:** The following uses are permitted within the Commercial (C) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:
- (1) Automobile Sales & Auto Dealerships
  - (2) Automobile or Vehicle Repair
  - (3) Emergency Dwelling
  - (4) Gas Station and/or Convenience Store
  - (5) Hotel or Motel
  - (6) Industrial Uses (also requires PD approval, see Section 6-12, A(4))
  - (7) Light Industrial Uses
  - (8) Parking for Fee

- (9) Private Club or lodge for members only and operated by a not-for-profit organization
  - (10) Religious, sectarian and non-sectarian, denominational, private or public school, conducted as a private, gainful business
  - (11) Two-Family Dwelling
- C. **LOT SIZE & DIMENSIONAL REQUIREMENTS:** The following Lot Size and Dimensional Requirements apply to lots within the Commercial (C) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).
- (1) Minimum LOT SIZE is Forty-Thousand (40,000) Square Feet.
  - (2) Minimum ROAD FRONTAGE is One-Hundred (100) Linear Feet
  - (3) Maximum BUILDING COVERAGE on Lot is Thirty-Five percent (35%)
  - (4) Minimum YARD SETBACKS:
    - a. FRONT YARD SETBACK: Thirty (30) Feet
    - b. SIDE YARD SETBACK: Twenty(20) Feet
    - c. REAR YARD SETBACK: Thirty (30) Feet
  - (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

#### **6-7 NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT**

- A. **PURPOSE AND INTENT:** This district has been established to permit the establishment of certain commercial and residential uses in proximity to the center of the Village and the Historic Central Business (HB) Zoning District and to allow such uses to be established along the Route 90 corridor in a manner that is complimentary to, and in context with, adjacent residential neighborhood character. The District allows both residential and commercial uses, but any commercial activity must take place wholly within a structure that resembles a residential structure, or was formerly a residential structure and retains the appearance of a residential structure, and the lot must be developed through adherence to a site plan that shows yards with landscaping in the front and fully screened parking areas to either the side or rear of the property.
- B. **PERMITTED USES:** The following uses are permitted by right within the Neighborhood Commercial (NC) Zoning District:
- (1) Accessory Structures and Buildings
  - (2) Banks and/or Financial Institutions
  - (3) Bed and Breakfast
  - (4) Business and Professional Office
  - (5) Child Care Facilities, including Pre-school
  - (6) Eating or Drinking Establishment
  - (7) Farm Stand
  - (8) Health Care Facility

- (9) Home Occupation
- (10) Inn
- (11) Keeping or Raising Domestic Animals
- (12) Library
- (13) Mixed-use building combining permitted residential and commercial uses
- (14) Place of Worship
- (15) Retail Uses
- (16) Single-Family Dwelling
- (17) Spa Facility
- (18) Undertaking and Funeral Parlors
- (19) Veterinary Services Facility

C. **SPECIAL USES PERMITTED:** The following uses are permitted within the Neighborhood Commercial (NC) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:

- (1) Assisted Living Facility
- (2) Conversion: Single-Family Dwelling to a Two-Family Dwelling
- (3) Emergency Dwelling
- (4) Gas Station or Convenience Store
- (5) Hotel or Motel
- (6) Multi-Family Dwelling
- (7) Park or Recreation Area (wherein the chief activity shall consist of outdoor recreation owned and operated by a not-for-profit organization)
- (8) Parking for Fee
- (9) Personal Service Use
- (10) Private Club or lodge for members only and operated by a not-for-profit organization
- (11) Religious, sectarian and non-sectarian, denominational, private or public school, conducted as a private, gainful business
- (12) Two-Family Dwelling

B. **LOT SIZE & DIMENSIONAL REQUIREMENTS:** The following Lot Size and Dimensional Requirements apply to lots within the Neighborhood Commercial (NC) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).

- (1) Minimum LOT SIZE is Twenty-Five Thousand (25,000) Square Feet.
- (2) Minimum ROAD FRONTAGE is One-Hundred (100) Linear Feet

- (3) Maximum BUILDING COVERAGE on Lot is Thirty-Five percent (35%)
- (4) Minimum YARD SETBACKS:
  - a. FRONT YARD SETBACK: Thirty (30) Feet
  - b. SIDE YARD SETBACK: Ten (10) Feet
  - c. REAR YARD SETBACK: Thirty (30) Feet
- (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

**6-8 WATERFRONT COMMERCIAL (WC) ZONING DISTRICT**

- A. PURPOSE AND INTENT: The Waterfront Commercial (WC) Zoning District has been established to provide a lakefront zone where the primary use is for activities involving the commercial sale of goods and services for profit where access to the Cayuga Lake waterfront is beneficial and/or essential to the nature of the established business enterprise.
- B. PERMITTED USES: The following uses are permitted by right within the Waterfront Commercial (WC) Zoning District:
  - (1) Accessory Structures and Buildings
  - (2) Automobile and General Repair
  - (3) Banks and/or Financial Institutions
  - (4) Bed and Breakfast
  - (5) Business and Professional Office
  - (6) Child Care Facilities, including Pre-school
  - (7) Docks (Water)
  - (8) Eating or Drinking Establishment
  - (9) Farm Stand
  - (10) Gas Station or Convenience Store
  - (11) Greenhouse
  - (12) Health Care Facility
  - (13) Home Occupation
  - (14) Inn
  - (15) Keeping or raising Domestic Animals
  - (16) Library
  - (17) Marina
  - (18) Mixed-use building combining permitted residential and commercial uses
  - (19) Park or Recreation Area (wherein the chief activity shall consist of outdoor recreation owned and operated by a not-for-profit organization)
  - (20) Place of Worship

- (21) Retail Uses
  - (22) Single-Family Dwelling
  - (23) Spa Facility
  - (24) Undertaking and Funeral Parlors
  - (25) Veterinary Services Facility
- C. **SPECIAL USES PERMITTED:** The following uses are permitted within the Waterfront Commercial (WC) Zoning District after Approval of a Special Use Permit by the Village Board and the issuance of such permit by the Zoning Enforcement Officer. Please Refer to Article VIII for information regarding the procedures for applying for and obtaining a Special Use Permit. The uses are:
- (1) Conversion: Single-Family Dwelling to a Two-Family Dwelling
  - (2) Emergency Dwelling
  - (3) Hotel or Motel
  - (4) Multi-Family Dwelling
  - (5) Parking for Fee
  - (6) Personal Service Use
  - (7) Private Club or lodge for members only and operated by a not-for-profit organization
  - (8) Religious, sectarian and non-sectarian, denominational, private or public school, conducted as a private, gainful business
  - (9) Shopping Center (Subject to PD Approval as detailed in Section 6-12, A)
  - (10) Two-Family Dwelling
- D. **LOT SIZE & DIMENSIONAL REQUIREMENTS:** The following Lot Size and Dimensional Requirements apply to lots within the Waterfront Commercial (WC) Zoning District. Please note that additional dimensional requirements may be required under Article VII (Regulations Applicable to All Zoning Districts).
- (1) Minimum LOT SIZE is Twenty-Five Thousand (25,000) Square Feet.
  - (2) Minimum ROAD FRONTAGE is One-Hundred (100) Linear Feet
  - (3) Maximum BUILDING COVERAGE on Lot is Thirty-Five percent (35%)
  - (4) Minimum YARD SETBACKS:
    - a. FRONT YARD SETBACK: Thirty (30) Feet
    - b. SIDE YARD SETBACK: Ten (10) Feet
    - c. REAR YARD SETBACK: Thirty-Five (35) Feet
  - (5) Maximum BUILDING HEIGHT is Thirty-Five (35) Feet.

## **6-9 PARK (P) ZONING DISTRICT**

- A. **PURPOSE AND INTENT:** The Park (P) Zoning District has been established to identify and provide for areas that are owned by the Village of Union Springs - or other



organizations, that the Village has determined should remain undeveloped and in a natural state with the exception that the development of limited infrastructure, facilities and amenities to serve the public who utilize the park facilities may be established under the review and authorization of the Union Springs Village Board.

- B. **PERMITTED USES:** It is the intent and policy of this Zoning Ordinance that the Village Board shall establish specific uses/prohibitions for the Park (P) Zoning District and shall revise or amend such permitted or prohibited uses as they determine from time to time as they deem appropriate and necessary for the safe and quiet enjoyment of the Village and its residents.

## **6-10 PLANNED DEVELOPMENT (PD) ZONING DISTRICT**

- A. **PD INTENT:** The Planned Development (PD) Zoning District is established as an “Overlay District”, meaning that the physical zoning district in the traditional sense is not actually located or placed in any specific location within the Village of Union Springs under this zoning ordinance but exists as a zoning tool and process under which a new or unique set of permitted uses with specific site design and development requirements may be established within a portion of the Village through review and approval by the Village Board through a recommendation by the Village Planning Board. Once established, the Planned Development (PD) Zoning District shall be added to the Zoning Map as an Overlay District.
- B. **PD PURPOSE:** In a Planned Development (PD) Zoning District, land and buildings may be used for any lawful purpose in any established district as authorized by the Village Board in specific instances. The purpose of the Planned Development (PD) Zoning District is to provide flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. Where deemed appropriate, the Village Board may consider a proposed planned development through an approval process requiring a zoning district change from the original district to PD District, in which the approved plat and a complete set of use and dimensional regulations become the basis for continuing land use controls.
- C. **PD OBJECTIVES:** In order to carry out the purpose of this article, a Planned Development (PD) Zoning District shall achieve at least the following objectives:
  - (1) Work as a concentrated whole unit, being self-contained and not conducive to expansion outside its boundaries at a future date, unless such expansion when added to the original PD District can act with it to create a larger self-contained unit.
  - (2) Provide open space as an integral part of the plan.
  - (3) Provide convenient location of commercial and service areas.
  - (4) Preserve trees, outstanding natural topography and geologic features and prevent soil erosion and ground and surface water pollution.
  - (5) Make creative use of land and related physical development that allows an orderly transition of land from rural to more urban uses.

- (6) Make efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs for construction, maintenance and housing.
- (7) Provide a development pattern in harmony with the objectives of the Village's Comprehensive Plan and the County's Land-Use Plans.
- (8) Provide a more desirable environment for dwelling, working and/or recreation than would be possible through the strict application of the preset regulations in this Law.

**D. GENERAL REQUIREMENTS**

- (1) **Minimum Area:** Under normal circumstances, the minimum area requirement for a Planned Development (PD) Zoning District shall be 200,000 sq. ft. of contiguous land that is not separated by existing streets, highways or other properties. Minimum area requirements for industrial uses, adult entertainment establishments, shopping centers and golf courses can be seen in Section 6-12, A. Where the applicant can demonstrate that the characteristics of the subject land holdings will meet the objectives of this article, projects with less acreage may be considered or as otherwise specified.
- (2) **Ownership:** The tract of land for the project shall be owned or under a lease or option to purchase by the applicant who may be a single person, corporation, or a group of individuals or corporations. An application shall be filed by the owner or jointly by the owners of all property included in a project. In the case of multiple ownerships, the approved plan shall be binding on all owners.
- (3) **Location:** The PD District shall be applicable to any area of the Village of Union Springs where the applicant can demonstrate that the characteristics of the subject land(s) will meet the objectives of this Article and the spirit of this Law. A proposed location for a PD District must have demonstrated compatibility with the surrounding land uses, neighborhood character, and existing traffic pattern with regard to vehicular and trip capacity, volume and adequate level of service.
- (4) **Permitted Uses:** The use of land and buildings in a PD District may be for any lawful purpose as authorized by the Union Springs Village Board in accordance with the procedures of this article; the following general uses, or combinations thereof, may be considered:
  - a. **Residential Uses:** The design and development of residential housing units may be in a variety of housing types and forms in a proposed PD District. In developing a balanced community, the use of a variety of housing types and densities within the proposed PD District shall not be required, but shall be deemed most in keeping with the objectives of this article.
  - b. **Commercial, Service and Other Non-residential Uses in a Primarily Residential PD District:** These uses may be permitted (or required) where such uses are scaled primarily to serve the residents of the residential PD District. Consideration shall be given to the project, as it exists in its larger setting, in determining the appropriateness of such uses. In no case shall more than twenty-five percent (25%) of the gross site area under the

Residential PD District be permitted for commercial uses, services or non-residential uses other than open space and nonprofit recreation.

- c. Commercial Uses: If designed and organized toward the purpose and objectives of this article, a PD District with commercial uses as the primary land use may be approved. All proposed shopping centers and golf courses in the Village shall be subject to approval through the PD District procedures. (See Section 6-12, A)
- d. Industrial Uses: If designed and organized toward the purposes and objectives of this article, a PD District with industrial uses as the primary land use may be approved. All proposed industrial developments and uses for the Village of Union Springs shall be subject to approval through the PD District procedures. Industrial uses shall not be permitted in combinations with any residential uses. All proposed industrial uses as the primary PD District land use in the Village shall be subject to approval through the PD District procedures. (See Section 6-12, A)
- e. Mobile Home Parks: Mobile Home Parks are to be reviewed and permitted as part of a PD District under this section and according to the following provisions:
  - i. All residential structures installed in mobile home parks shall be constructed and installed in compliance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code. The minimum area of any residential structure within a mobile home park, measured on the outside, shall be seven hundred and twenty (720) square feet.
  - ii. The minimum area of a mobile home park shall be ten (10) acres.
  - iii. Each lot in a mobile home park shall have a minimum area of six thousand (6,000) square feet, and minimum width of forty-five (45) feet.
  - iv. A mobile home park shall have buffer strips along the margins of the side and rear property lines; such buffer strips shall be at least six (6) feet in thickness and consist of inter-locking trees and foliage acceptable to the Village Planning Board.
  - v. A mobile home park designed to accommodate twenty-five (25) or more residences shall provide at least one recreation area of at least eight percent (8%) of the gross site of the mobile home park.
  - vi. A mobile home park shall provide an area of common open space. An area of at least ten thousand (10,000) square feet of open space shall be required. Open space area may be included as part of the recreation area; and both shall be located centrally when possible and shall be free of traffic hazards.
  - vii. No residential structure or portion thereof shall be placed closer than twenty (20) feet to any other residential structure or portion thereof.

- viii. A residential structure, park office, or any other structure shall not be located closer than thirty (30) feet from the street right-of-way or the boundary line of the mobile home park.
  - ix. Storage space within a permanent, enclosed structure shall be provided in an amount equal to at least one hundred (100) square feet for each building lot in the mobile home park.
  - x. Parking shall be provided in accordance with Article XI.
  - xi. Suitable landscaping, including at least lawns, plantings and trees shall be installed and maintained in a mobile home park.
  - xii. Each mobile home park shall be provided with at least two (2) points of ingress/egress to the adjacent public street.
  - xiii. Water supply, source and quality, and the treatment and disposal of sewage for a mobile home park, shall comply with all the regulations of the Cayuga County Health Department and approval shall be secured from such health department before final Village Board approval shall be considered.
  - xiv. An opaque enclosure must be provided for outside solid waste storage.
- (5) Intensity of Land Use: Relatively high land use intensity or dwelling unit density may be permitted if it is demonstrated that a good overall dwelling, working and/or recreation environment is thereby produced. In determining the suitability of land use intensity or dwelling unit density proposed for a Planned Development (PD) Zoning District, each case shall be considered separately. Proposed land use intensity ratings and/or dwelling unit densities shall be completely documented by all facts, opinions and judgments used to justify the selection of the intensity rate or unit density.
- (6) Common Property: Common property in a Planned Development (PD) Zoning District is a parcel or parcels of land together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites. When common property exists (and such may be required), the ownership of such common property may be either public or private; when common property exists in private ownership, satisfactory arrangements shall be made for the improvement, operation and maintenance of such common property and facilities thereon, including but not limited to private streets, drives, service and parking areas, storm water management areas, open space and recreation areas.

E. APPLICATION PROCEDURES FOR PLANNED DEVELOPMENT (PD) ZONING DISTRICT APPROVAL. For full approval of a proposed PD District, the applicant shall:

- (1) Secure a zoning district change for the subject property from its present district to Planned Development (PD) Zoning District, which process shall be that of amending the Zoning Law and Map to include the proposed PD District plan and all the related specifications including the use and dimensional regulations specific thereto.

- (2) After the zoning district change, it shall be required that the subdivision and platting of all lands in the proposed PD District be subject to Article XV of this Law.
- (3) Before construction and occupancy of buildings or land, the proper permit shall be secured by the applicant in accordance with Article II, Section 2.4 of this Law.
- (4) When any PD District is proposed, before any permit for erection of a permanent building in such PD District shall be granted, and before any subdivision plat or any part thereof may be filed in the Cayuga County Clerk's Office, the applicant or the applicant's authorized agent shall apply for and secure approval of such PD District in accordance with the following specific procedures:
  - a. Pre-application Discussion Stage: Prior to formal application the applicant may present the proposed PD District to the Village Planning Board in rough sketch and written descriptive form to get the initial opinions concerning the suitability of the concepts and general elements of the development, and to make sure the required procedures for the PD District application are fully understood by the applicant. In this stage it is advised that most of the items in Section 6-10, E, (4), c be addressed at least in rough form by the applicant. General approval at this stage shall not be considered binding.
  - b. Application for PD District Zoning: A complete application for the establishment of a PD District shall be made to the Village Board in plan (drawn to scale) and written report form. Prior to Village Board action, to insure that the proposed PD District is within the intent of the comprehensive planning activities of the Village, the Village Board shall immediately after receiving the complete application refer it, for the purpose of review and recommendations, to the Village Planning Board which shall have thirty (30) days from its next regularly scheduled meeting within which to report. As deemed appropriate, either the Village Board or the Village Planning Board may submit the PD application to the Cayuga County Planning Board for an informal review. As applicable in accordance with Sections 239-l and -m of Article 12-B of the New York State General Municipal Law, the Village Board shall refer the PD District application for formal review and recommendations to the Cayuga County Planning Board which shall have thirty (30) days or an agreed-upon longer period from its next regularly scheduled meeting within which to submit its report. If either planning board does not report to the Village Board within the specified time period, their inaction shall be construed as them having no recommendations.
  - c. Required PD District Application Components: Acceptability of a PD District proposal shall be based upon the Village Board's judgment concerning the overall quality of the PD District proposal, and the extent of its impact upon the Village and its citizens, and their or other's properties. In order for the Village Board to adequately evaluate the PD District proposal, the application (in its plan and written form) shall

address the following areas, and the information shall be furnished therein in a reasonably complete manner.

- i. Project Particulars: Shall include the name and location of the project, name(s) and address(es) of the owner(s), a legal description of the property, and the names of owners of abutting properties.
- ii. Type of Development: The type of development shall be fully described, including at least the following information:
  - a. Residential: Total acreage of residential area and each residential portion of the development; total number of dwelling units and number in each residential portion; percentage and numbers of dwelling units by type (single family, garden apartment, Village houses, etc.); dwelling unit density per gross site acreage; estimated population of the development and estimated number of school-age children over the first five (5) years of full occupancy.
  - b. Commercial: Total acreage of commercial area; gross floor area (in square feet) available for lease or occupancy; general description of commercial types and their general requirements for receiving and delivering goods.
  - c. Industrial: The total acreage of industrial area; types of industry and industrial process involved; source, type, general quantities and method of shipment for raw materials; general quantities and method of shipment for products; types of wastes and residuals.
- iii. Staging of Development: Description on plan and in written report of the planned staging of the project (and such staging may be required.)
- iv. Description of Natural Site Characteristics: A description of the natural site shall be included with at least the following information: soil characteristics and limitations; extent of and treatment intended for the site's vegetative cover (especially trees); topographical features (on topographic contour map); existing and proposed site drainage (on topographic map); foreseeable needs of the site for construction precautions; existing conditions of and the projected effects upon the ground and surface waters of the site and community; possible air pollution hazards.
- v. Site Planning and Design Considerations: Descriptions and illustrations of the following: site ingress and egress; parking; on-site pedestrian and vehicular circulation patterns; general landscaping treatment; general location and arrangement of buildings and other structures; locations of all facilities; and general visual description.

- vi. Transportation and Traffic: Descriptions of at least the following: existing streets serving the area; the level of service provided by existing streets in terms of traffic count and street traffic capacities; expected modifications for existing street systems required by project; estimated daily automobile trips generated by the residential and/or other uses; availability of public transportation to site; design considerations for deterring on-site and area traffic congestion.
  - vii. General Market Information: Describe the need for the proposed Land Uses in their proposed locations and their proposed quantities; and the intended market structures for the residential units (prices and rents, describe whether low-income, middle-income, luxury, etc.).
  - viii. Projected Fiscal Impacts on Village: Calculations of projected Village revenues and costs to be expected by the Village as a result of the proposed development.
  - ix. Utilities and Related Services: Describe the following and detail their intended locations on the plan(s); the method and projected quantities of waste water (sewage) from the development; demand and source of supply for water; level of service needed and available for fire protection; demands for and availability of gas and electricity; projected quantities of and method of disposal for solid wastes.
  - x. General Effects of Development on Neighborhood and Community Appearance and Land Use: Description of effects on the appearance and relationship of project to predominant character and land use in area (compatibility).
  - xi. Relationship of Proposed PD District to Official Village and County Development Policies: Information on how the proposed PD District relates to local and area wide goals and policies as stated in plans and regulations, including the Village Comprehensive Plan.
  - xii. Development, Operation and Maintenance of Open Space and Common Properties: A general statement concerning the responsibility for these and proposed methods for their implementation.
  - xiii. Developer Competence: Evidence in the applicant's behalf to demonstrate his competence to carry out the plan and his awareness of the scope of the project, physical and financial.
  - xiv. Other: Any other such information as the Village Board deems to be reasonably pertinent to the adequate consideration and evaluation of the proposed project.
- d. Public Hearing Required: Within forty-five (45) days after receiving a report from the Village Planning Board, the Village Board shall schedule

and conduct a Public Hearing for the purpose of considering the change in zoning district to a PD District for the applicants plan in accordance with the procedures required under New York State Village Law Article 7, §7-706.

- e. Village Board Action: Within forty-five (45) days after a Public Hearing, the Village Board shall render its decision on the PD District application. If the Village Board grants the PD District zoning, the Zoning Map shall be so noted, and the Law shall be amended so as to define the legal boundaries of the PD District, but such action shall effect only of granting permission for development of the specific proposed land uses in accordance with the use and dimensional specifications, plans and related materials filed with the Village Board and related to the specific PD District; such specifications, plans and related materials to include, if deemed necessary by the Village Board to protect the public health, safety and welfare of the Village, any conditions and requirements for the applicant to meet. The approved plan and the related attachments shall be deemed an amendment to this Law and shall serve as continuing land use controls for the specific Planned Development District; the first such zoned PD District shall be designated "PD-1", with subsequent unrelated Planned Development (PD) Zoning Districts to be numbered in continuing sequence.
- f. Annual Review of PD District: The Zoning Code Officer shall review the PD District annually in order to determine the amount and quality of the progress made by the developer toward fulfilling the specifications and plans and any attached conditions, and make a report to the Village Board. Based upon the progress made by the developer, the Village Board may reconsider the PD District and further amend the Law in relation to it, if progress is not to the satisfaction of the Village Board or not in keeping with the staging approved by the Village Board. If no progress is made on the site of the PD District within the first year after approval, the Village Board may consider changing the zoning of the property to the original or other district. Little or no progress on the PD District site by the developer does not guarantee the Village Board will take action to change zoning, especially if the developer demonstrates to the satisfaction of the Village Board that he is acting in continuing good faith and, where applicable, the preliminary plat plans are in preparation.

## **6-11 FLOODPLAIN (F) ZONING DISTRICT**

- A. PURPOSE AND INTENT: The Floodplain (F) Zoning District is an overlay zone that requires site plan review for any development within this zone. As an overlay district, this zone does not impact the underlying use zoning with regard to permitted uses, uses permitted by special permit, or lot size or dimensional requirements.
- B. Procedures for actions in floodplain areas.
  - (1) All activities undertaken in areas designated as a flood hazard area by the Federal Flood Insurance Program on maps prepared by the Federal Emergency Management Agency (FEMA), including any future revisions to said maps,



shall comply with applicable regulations adopted by the Village of Union Springs as a separate Flood Prevention Law.

- (2) The Village of Union Springs Zoning Officer or Code Enforcement Officer (CEO) is hereby authorized and charged with the responsibility to determine if a subject property is within the Floodplain (F) Zoning District and is also the individual responsible for assuring review of any development within the Floodplain (F) Zoning District is in compliance with applicable local, state and federal requirements.

## **6-12 USES SUBJECT TO SPECIAL CONDITIONS**

- A. The Following uses shall be permitted in the Village of Union Springs only in accordance with the procedures of this article; and in addition to the other provisions of this article, the following requirements shall apply to the specific planned developments:

- (1) Mobile Home Park is subject to the provisions on Planned Development (PD) Zoning Districts and the regulations for PD / Mobil Home Parks are located in Section 6-10, D(4)(e).
- (2) Shopping Center is subject to the following provisions:
  - a. A Shopping Center proposed as a PD District in Waterfront Commercial (WC) Zoning District must provide a minimum lot size of ten (10) acres for such use.
  - b. Off-street parking spaces shall be provided in accordance with Article XI, Off Street Parking and Loading Regulations.
  - c. A shopping center shall have its frontage on a state or county road, and ingress and egress for the site shall be designed so as not to constrict the flow of traffic on the public road.
  - d. Parking, loading, and service areas shall be located entirely within the confines of the lot, shall be physically separated from public streets by buffer strips against un-channeled motor vehicular ingress.
  - e. All access ways to a public street shall be located not less than one hundred and fifty (150) feet from the intersection of any street line.
  - f. All buildings shall be arranged in a group or in groups, and the distance at the closest point between any two (2) buildings or groups of attached buildings, shall be not less than fifteen (15) feet.
  - g. Along any adjoining lot line, a buffer strip shall be provided which shall not be less than twenty-five (25) feet in thickness and shall be planted with at least grass, shrubs and trees (to attain an average height of at least twelve (12) feet) along the entire length of the lot line to serve as a barrier to visibility, air-borne particles, glare and noise. Such screen planting shall be located within at least the exterior ten (10) feet of the buffer strip.
  - h. All parking, loading, access and service areas shall be adequately illuminated at night. Such lighting, including sign lighting, shall be

arranged so as to protect the highway and adjoining property from direct glare or hazardous interference of any kind.

- i. All utility lines servicing a shopping center shall be placed underground.

(3) Golf Course and/or Country Clubs are subject to the following provisions:

- a. (1) Minimum lot size shall be forty (40) acres.
- b. (2) All buildings shall be not less than one hundred (100) feet from any lot line.
- c. (3) Such use shall not be permitted in the Lakeshore Residential (LR) Zoning District, and shall be permitted in a Residential (AR, RR, R) Zoning District only when planned as a part of a planned residential development (Residential PD District).

(4) Industrial Developments of any scale shall be subject to the following provisions.

- a. Intent. The intent of this section is to permit a broad range of uses in certain Zoning Districts by establishing Industrial-PD District Use Permit standards of performance to protect residential and other districts from adverse effects of industrial activities and to promote a safe and healthy environment in and near the Industrial Use.
- b. General restrictions. All Industrial Uses approved under an Industrial PD District Use Permit and thereby authorized to exist within the Village of Union Springs Commercial Zoning District, shall comply to the standards referenced in this section, shall conform to performance standards established herein and shall be constructed, maintained and operated so as not to be injurious or offensive to occupants of adjacent properties or to those passing by on a public way by reason of the emission of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazards or glare.
  - i. All production or processing of materials or substances shall be enclosed by a fence or other safe barriers for the public safety and visual screening.
  - ii. All storage shall be effectively screened from the view of pedestrian passersby on any public way adjacent to the premises containing such storage.
  - iii. Storage of waste products must be completely enclosed within a building or storage shed.
  - iv. Outside display of finished or semi-finished products must be effectively screened from the view of pedestrian passersby on any public way adjacent to the premises on which such products are displayed.
- c. Noise. Sound levels shall be measured with a sound-level meter and associated octave-band filter, and they shall not exceed standards prescribed by the American Standards Association at any point along the sound-producer's lot line. Objectionable noises due to intermittence, beat

frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

- d. Vibration. No use or associated activity shall be operated so that ground vibration is perceptible without instruments at any point along the lot lines of such use.
- e. Smoke. No smoke shall be emitted in violation of this Law. Industries shall be required to monitor their own emissions when the Cayuga County Health Department finds it necessary for environmental health reasons to check an industry's smoke, particulate or heat pollution levels.
- f. Dust, dirt, odor and fumes. No amount of dust, dirt, soot, cinders, odors or fumes shall be emitted in violation of this Law. Every use shall be so operated as to prevent the emission into the air of dust or other solid matter, odors or fumes in amounts which exceed the maximum standards of the New York State Board of Health. No objectionable, noxious, toxic or corrosive fumes or gases shall be emitted. A noxious or objectionable odor concentrate shall be deemed to be present at the point at which it can be perceived by smell or otherwise affects the breathing process.
- g. Fire and safety. All uses must conform to New York State Building Code standards and shall operate so as to minimize the danger of fire or explosion by conforming to the requirements of the National Fire Code.
- h. Glare and heat. Glare or heat resulting from the day-to-day operation of the industry or from exterior signs, building materials or other objects situated on the lot shall not be detectable beyond the lot line of that land use.
- i. Industrial sewage and waste. Every use shall be so operated as to prevent the discharge into any public sewer, stream, river, lake or the ground of waste or other matter in amounts which will exceed the maximum standards of the Cayuga County Health Department and the New York State Department of Environmental Conservation. No connection with any public sewer or appurtenance shall be made or maintained in such a manner that there may be conveyed or created any hot, suffocating, corrosive, flammable, poisonous or explosive liquid, gas, vapor or substance or material of any kind. No wastes conveyed to or allowed to flow in or through the sewer or appurtenance shall contain materials which contain or create deposits obstructing the flow in the sewer.
- j. Enforcement. The Village of Union Springs Code Enforcement Officer shall be responsible for alerting the appropriate agency or department of a need for performance measurement when he/she becomes aware of a possible infraction of the special performance standards. Enforcement of this section shall be under the jurisdiction of the Village of Union Springs Code Enforcement Officer in compliance with this Law.
- k. Penalties for violation. Any person who violates any provision of this section shall be guilty of an offense. Each week's continued violation will constitute a separate offense. Each offense shall be punishable by a fine not exceeding \$1,000.

1. Civil proceedings. In addition to other remedies, the Village of Union Springs Code Enforcement Officer may institute appropriate action or proceedings to prevent any unlawful conduct or emissions prohibited by this section or to compel compliance with the provisions of this section.

### 6-13 MATRIX TABLE OF USE REGULATIONS

- A. The Matrix Table of Use Regulations presents a summary of the Uses permitted by Right (P), by Special Permit (SP), as part of a Planned Development District (PD), or Prohibited (N) in each of the defined Zoning Districts within the Village of Union Springs. Please refer to Article VII for specific regulations applicable to all Zoning Districts.

	Use	AR	RR	R	LR	HB	C	NC	WC
1	Accessory Structures & Buildings	P	P	P	P	P	P	P	P
2	Accessory Uses	P	SP	SP	SP	N	N	N	N
3	Animal Care / Training Facilities	SP	N	N	N	N	N	N	N
4	Assisted Living Facility	P	SP	N	N	N	N	SP	N
5	Automobile Sales & Auto Dealerships	SP	N	N	N	N	SP	N	N
6	Automobile or Vehicle Repair	SP	SP	N	N	N	SP	N	N
7	Bank and Financial Institutions	SP	SP	N	N	P	P	P	P
8	Bed & Breakfast	P	P	P	P	P	P	P	P
9	Business and Professional Offices	SP	SP	N	N	P	P	P	P
10	Campground	SP	N	N	N	N	N	N	N
11	Cemeteries	P	SP	N	N	N	N	N	N
12	Child Care Facilities, Including Pre-school	P	SP	N	N	P	P	P	P
13	Clear Cutting Woodlands	P	SP	N	N	N	N	N	N
14	Commercial Antenna, Micro-relay Station	SP	SP	N	N	N	N	N	N
15	Commercial Domestic Animal Boarding Facilities	SP	N	N	N	N	N	N	N
16	Commercial (Non-Domestic) Animal Boarding Facilities	SP	N	N	N	N	N	N	N
17	Conversion: Single-Family dwelling converted to a Two-Family dwelling	P	P	SP	SP	N	N	SP	SP
18	Docks (Water)	P	N	N	P	N	N	N	P
19	Eating or Drinking Establishment	SP	SP	N	N	P	P	P	P
20	Emergency Dwelling	SP	SP	SP	SP	SP	SP	SP	SP
21	Farm Stands	P	P	P	P	P	P	P	P
22	Fire Station	P	P	N	N	N	N	N	N
23	Gasoline Station/Convenience Store	SP	N	N	N	N	SP	N	N
24	Golf Courses (Also See Section 6-12, A(3))	SP	SP	N	N	N	N	N	N

	Use	AR (PD)	RR (PD)	R	LR	HB	C	NC	WC
25	Greenhouse	P	P	P	P	P	P	P	P
26	Health Care Facilities	P	SP	N	N	P	P	P	P
27	Home Occupations	P	P	P	SP	P	P	P	P
28	Hotels, Motels	SP	N	N	N	SP	SP	SP	SP
29	Industrial Uses (See Section 6-12, A(4))	N	N	N	N	N	SP	N	N
30	Inns	P	P	P	P	P	P	P	P
31	Junkyards	N	N	N	N	N	N	N	N
32	Keeping or raising of Domestic Animals	P	P	P	P	P	P	P	P
33	Keeping or raising of Exotic Animals	N	N	N	N	N	N	N	N
34	Keeping or raising of Farm Animals	P	N	N	N	N	N	N	N
35	Library	P	P	N	N	P	P	P	P
36	Light Industrial Uses	SP	N	N	N	SP	SP	N	N
37	Marina	SP	N	N	N	N	N	N	P
38	Mixed-use building combining permitted residential and commercial uses	P	SP	N	N	*P	N	P	P
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District.</i>									
39	Mobile Home (stand alone, not in MH Park)	N	N	N	N	N	N	N	N
40	Mobile Home Park (See Section 6-10, D(4)e for Required PD District Approval)	SP (PD)	SP (PD)	N	N	N	N	N	N
41	Multi-family Dwelling	P	SP	SP	SP	*SP	N	SP	SP
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District.</i>									
42	Nursing Homes	P	SP	N	N	N	N	N	N
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District.</i>									
43	Park, or Recreation Area (wherein the chief activity shall consist of outdoor recreation owned and operated by a not-for-profit organization)	P	SP	N	N	SP	P	SP	P
44	Parking for Fee	SP	SP	N	N	SP	SP	SP	SP
45	Personal Service Use	SP	SP	N	N	P	P	SP	SP
46	Places of Worship	P	P	P	P	P	P	P	P
47	Private club or lodge for members only and operated by a not-for-profit organization	SP	SP	SP	SP	SP	SP	SP	SP
48	Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private, gainful business	P	P	SP	SP	SP	SP	SP	SP
49	Retail Uses	SP	SP	N	N	P	P	P	P

	Use	AR	RR	R	LR	HB	C	NC	WC
50	Riding academy	SP	N	N	N	N	N	N	N
51	Shopping Center (Also See Section 6-12, A(2) for Required PD District Approval)	N	N	N	N	N	P	N	SP (PD)
52	Single-Family Dwelling	P	P	P	P	*P	N	P	P
53	Spa Facility	P	N	N	N	P	P	P	P
54	Telecommunication/Cell Tower Facility	SP	SP	N	N	N	N	N	N
55	Two-family dwelling	P	P	P	P	*SP	SP	SP	SP
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District</i>									
56	Undertaking & Funeral Parlors	SP	SP	N	N	SP	P	P	P
57	Veterinary Services	SP	SP	N	N	SP	P	P	P

## ARTICLE VII

### REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

#### 7-1 DISTRICT REGULATIONS DIMENSIONAL REQUIREMENTS

##### a. District Regulations

- i. The regulations for each district pertaining to minimum lot size, minimum lot width, maximum building coverage, minimum front yard depth, minimum side yard width, minimum rear yard depth, and maximum height, and minimum building size shall be as specified in this Section, subject to the further provisions of Article VI.

##### b. Table of Dimensional Requirements

District	Minimum Lot Size (sq. ft.)	Minimum Road Frontage (ft.)	Minimum Yards Maximum			Maximum Building Coverage	Maximum Building Height (ft.)
			Front (ft.)	Side (ft.)	Rear (ft.)		
<b>AR</b>	20,000	100	30	10	30	30%	35
<b>RR</b>	30,000	150	30	20	30	30%	35
<b>R</b>	7,500	60	20	10	10	40%	35
<b>LR</b>	20,000	100	30	10	35	40%	35
<b>HB</b>	5,000	24	0	0	0	85%	35
<b>C</b>	40,000	100	30	20	30	35%	35
<b>NC</b>	25,000	100	30	10	30	35%	35
<b>WC</b>	25,000	100	30	10	35	35%	35
<b>P</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>PD</b>	200,000	200	100	100	100	35%	35
<b>F</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

##### c. Lot Area or Yards Required

- i. The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Law (e.g. such as required parking area). No lot shall be so altered that the area of the lot or the dimensions of yards or other open spaces are smaller than herein prescribed.

##### d. Spacing of Residential Buildings on a Lot

- i. Where a permitted residential building is to be located on the same lot with another permitted residential building, each such building shall be independently provided with all required front, side and rear yards, and required lot area.
- ii. Where an existing garage, stable or similar detached structure on the rear of a lot with a permitted main building, is to be converted to a detached dwelling for residential occupancy, the provisions of paragraph (1) above shall apply. The Board of Appeals, however, may modify the yard dimensions between such buildings intended to remain under the same ownership and management where

it is demonstrated that there will not be decrease in the standard of light, air, and amenity, or the provision of safe access or egress, as a result.

e. Exceptions of Minimum Lot Sizes and Lot Widths

- i. The provisions of Article VII and Article VI shall not prevent the construction of a single family dwelling, provided the yard requirements are observed on any lot which was lawful when created, provided the yard requirements then specified are observed, and which prior to the effective date of this Law was in separate ownership duly recorded by plan or deed.
- ii. Exemption of lots shown on approved subdivision plats shall be made in accordance with the provision of the New York State Village Law Article 7, §7-709.

f. Accessory Structures and Uses

(1) Accessory Structures

- a. Accessory structures attached to the principal building, except for fences (see item c, below) shall comply in all respects with the requirements of this law applicable to the principal building.
- b. Accessory structures that are not attached to a principal structure may be erected in accordance with the following restrictions:
  - i. Accessory structures are not permitted in front yards with the exception of signs, off-street parking facilities and farm stands.
  - ii. No unattached accessory structure shall be located nearer to the principal structure than ten (10) feet.
  - iii. The height of an unattached accessory structure shall not exceed sixteen (16) feet from the peak of the structure to the highest point on the ground on the side nearest the street.
  - iv. The total area of the unattached structure shall not exceed twenty percent (20%) of the floor area of the principal structure.
  - v. An unattached accessory structure shall not be a building, structure, or other assemblage of materials designed for, or customarily used as, a principal structure allowed under this Law.

c. Fences.

- i. Fences require a building permit and must comply with the following regulations.
- ii. Fences are not accessory structures; however, heights are limited to six (6) feet, except that a height of eight (8) feet shall be permitted between adjacent commercial and residential uses to provide additional screening.
- iii. Fences are subject to the Traffic Visibility (Clear Site Triangle) requirements found below at Section 7-1, G of this Article.



- iv. Minimum distance from property line for fence installation. In order to protect the property rights of adjacent property owners, fences shall not be installed less than eight inches (8") from the (fence) owner's property line.
- d. Swimming Pools. A single private outdoor swimming pool per principal building is permitted as an Accessory Use provided that such swimming pool is for the private use of the residents of the dwelling or for their guests, subject to the following provisions:
  - i. The edge of the swimming pool is not located closer than twenty (20) feet to any property line and does not occupy more than 10 percent (10%) of the lot area.
  - ii. In-ground pools must have a 48 inch high fence completely surrounding the area of the swimming pool with a self-closing gate.
  - iii. Decks to above ground pools must have a locking gate to prevent access to the deck.
- e. Docks and Ponds. Docks on ponds are permitted. As accessory structures on the lakeshore, docks are subject to DEC and Army Corp of Engineer regulations as well as the following conditions:
  - i. Side setbacks of ten (10) feet shall apply
  - ii. Only one dock is permitted per fifty (50) feet of lakeshore
  - iii. Docks shall not exceed eight (8) feet in width
  - iv. Docks shall not extend into state navigable waters for a distance greater than forty (40) feet or more from the shoreline
  - v. No dock shall interfere with access to other docks
  - vi. Livery services, motorized equipment rentals, and commercial sales are not permitted
  - vii. There shall be no sale of marine fuel
  - viii. Sewer and water lines shall not be extended to accessory structures in the Lakeshore District. Sanitary pumping facilities shall require a Special Use Permit
- f. Lampposts. Lampposts may not exceed ten (10) feet in height and the light emitted may not leave the property line. Lamp post height requirement in AR & C Districts are exempt.
- g. Storage Containers and Trailers. Definitions:
  - i. Freight Container: A reusable transport and storage unit, fit for moving products and raw materials between locations.
  - ii. PODS (Portable On-Demand Storage): A storage container usually constructed of plywood over steel frames. PODS are generally rented and left in a customer's driveway for the loading of personal and household items to be later stored in a warehouse or delivered

to another location. PODS are also utilized for the collection of donations and storage items during disasters and emergency situations.

- iii. **Semi-Trailer:** A trailer supported in the rear by wheels, has legs to support it when uncoupled and has no front axle. A semi-trailer is usually transported by a coupled road tractor or dolly that supports a large portion of the weight. Different types of semi-trailers are designed to haul different cargo. Semi-trailers include but are not limited to: box or van trailer, curtain side, refrigerator truck, tanker, dry bulk, flatbed, lowboy, car-carrier and sidelifter.
- iv. **Storage or Shipping Container:** A container with strength suitable to withstand shipment, storage, and handling. The container includes but is not limited to: reusable steel boxes, intermodal freight containers, corrugated boxes, wooded boxes, crates, and bulk shipping containers, drums or specialized shipping containers.
- v. **Trailer:** An enclosed container, utility or flatbed that is designed principally for the transport of goods and materials.
- vi. All storage containers and trailers shall be permitted as a temporary accessory use under the following conditions:

- A. **Residential Districts.**

- 1. Shall not be allowed on a lot of record without the existence of a primary residence unless used during: construction of a primary residence or accessory structure; transporting personal property to and from existing structures; or major subdivision development or an approved construction site.
    - 2. There shall be no more than one storage container per parcel.
    - 3. Containers shall be restricted to no larger than 8 feet wide, 20 feet long and 8 feet high.
    - 4. Unless approved in writing by the Code Enforcement Officer, the location of a storage container shall:
      - i. Be placed on a concrete or asphalt surface of the dwelling, but no closer than 10 feet from the front property line.
      - ii. Comply with the side and rear setback requirements for zoning district in which it is located.
      - iii. Not be placed in front of the front foundation of the house; however containers may be placed on existing driveways located

at the front of the house. The term “front foundation” as utilized herein shall mean the side of the house located closest to a public street (or lakeside if located in a Lakeside Residential district) upon which the property fronts.

- iv. Shall not be placed or unloaded onto any public street or right-of-way under any circumstances.
  - v. Shall be allowed on a parcel for no more than 30 days in any consecutive 12 month period. This limit may be extended to a maximum of an additional 90 days, upon application to the Village Code Enforcement Officer and the issuance of an extension to the initial temporary permit.
- 5. Storage containers used as part of a permitted construction project shall be permanently removed from the premises within 30 working days of the issuance of a Certificate of Occupancy. This limit may be extended to a maximum of an additional 90 days, upon application to the Village Code Enforcement Officer and the issuance of an extension to the initial temporary permit.
  - 6. Roll-off type dumpsters used for the removal of discarded building materials and debris shall be temporarily allowed in the front, side or rear of a primary residence or during the period of active construction.

B. Commercial Districts.

- 1. The storage container or trailer must be a part of a commercial operation duly conducted on the premises where such operation is in compliance with the Village of Union Springs Zoning Law and complies with the laws of the State of New York.
- 2. Must be placed in the rear yard, except that such units may be located in the front or side yard if located in a screened dock or delivery area.
- 3. Must be placed on a paved surface and not within required parking spaces/areas.
- 4. The placement of a storage trailer must meet a minimum 5 foot setback, except that any trailer

with a refrigeration unit or other device used for power shall not be located within 200 feet of a property line adjacent to a residential zone or use. Any storage trailer without a refrigeration unit or other device for power shall not be located within 50 feet of a property line adjacent to a residential zone or use.

5. Merchandise shall not be sold directly out of a storage container or trailer, nor shall a storage container or trailer be used for the storage of bulk hazardous or toxic materials.
6. Vertical stacking of storage containers or trailers and stacking of other materials or merchandise on top of any storage container or trailer is prohibited.
7. No signage other than the name, address, and telephone number of the person or firm engaged in the business of renting or otherwise placing the storage container or trailer shall be permitted on said container or trailer.
8. All storage containers and trailers in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration.
9. Shall be allowed on a parcel for no more than 90 days in any consecutive 12 month period. This limit may be extended to a maximum of an additional 90 days, upon application to the Village Code Enforcement Officer and the issuance of an extension to the initial temporary permit.

C. Permit Required.

1. Prior to placing any storage container or trailer on any property, the person or persons owning or having control or supervisory authority of such container(s) or trailer(s) shall apply and be required to obtain a Temporary Storage Container/Trailer permit from the Code Enforcement Officer. A completed application form as provided by the Code Enforcement Officer, fee, and plot plan which indicated the location of the storage container(s) or trailer(s), existing buildings and paved areas, screening if required, and property lines shall be submitted. The Code enforcement Officer shall review the application and determine within three (3) working days from the submittal date whether or

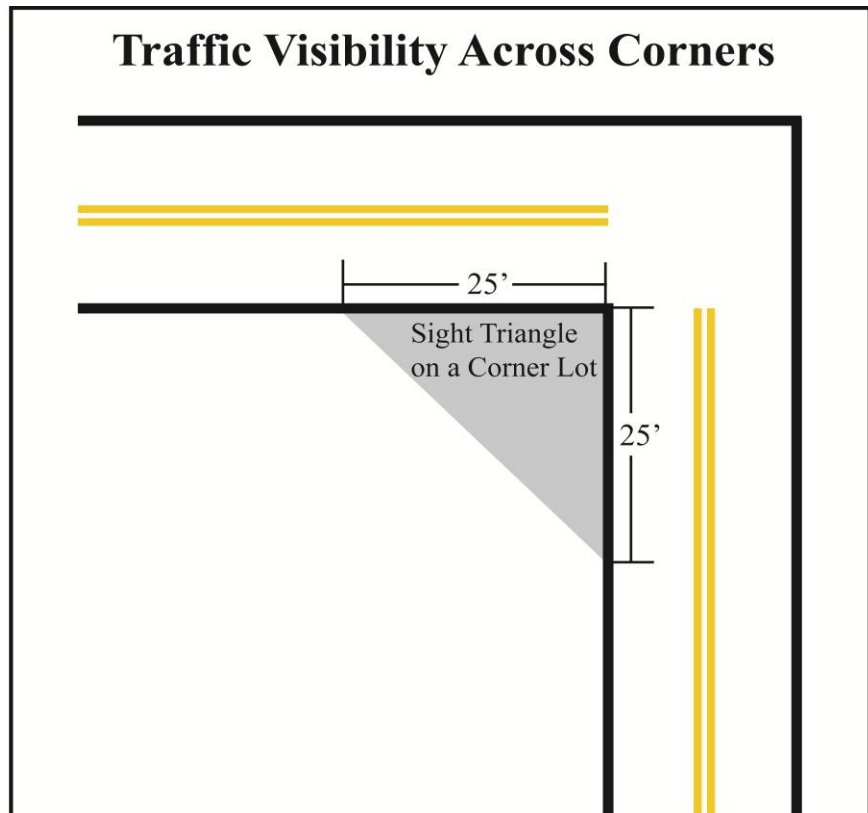
not the plan conforms with this Article and all other applicable regulations.

2. If the Code Enforcement Officer refuses to issue a Temporary Storage Container/Trailer permit, the reasons for such refusal shall be submitted to the applicant in writing within three (3) working days from the date the complete application was submitted. An applicant refused a permit for a Temporary Storage Container/Trailer may appeal such action to the Board of Appeals in accordance with the provisions of Article III of this Law.

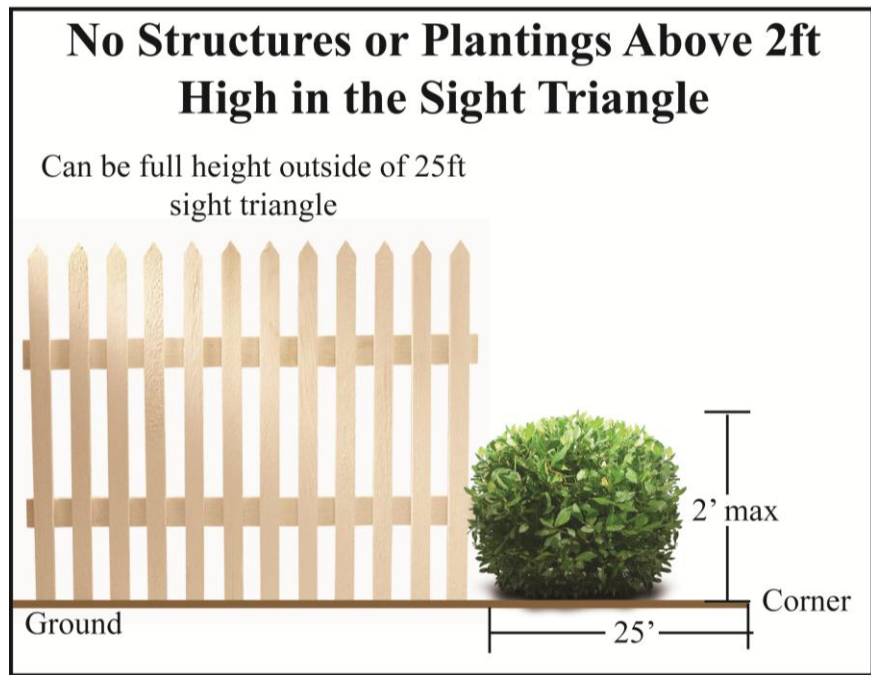
(2) Accessory Uses. Accessory uses are those customarily incidental and subordinate to the use of the principal building, and no permit shall be required unless specifically required elsewhere in this law.

a. Traffic Visibility Across Corners (clear sight triangle)

- i. 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 streets 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 such street line twenty-five (25) feet from the intersection of said street lines.

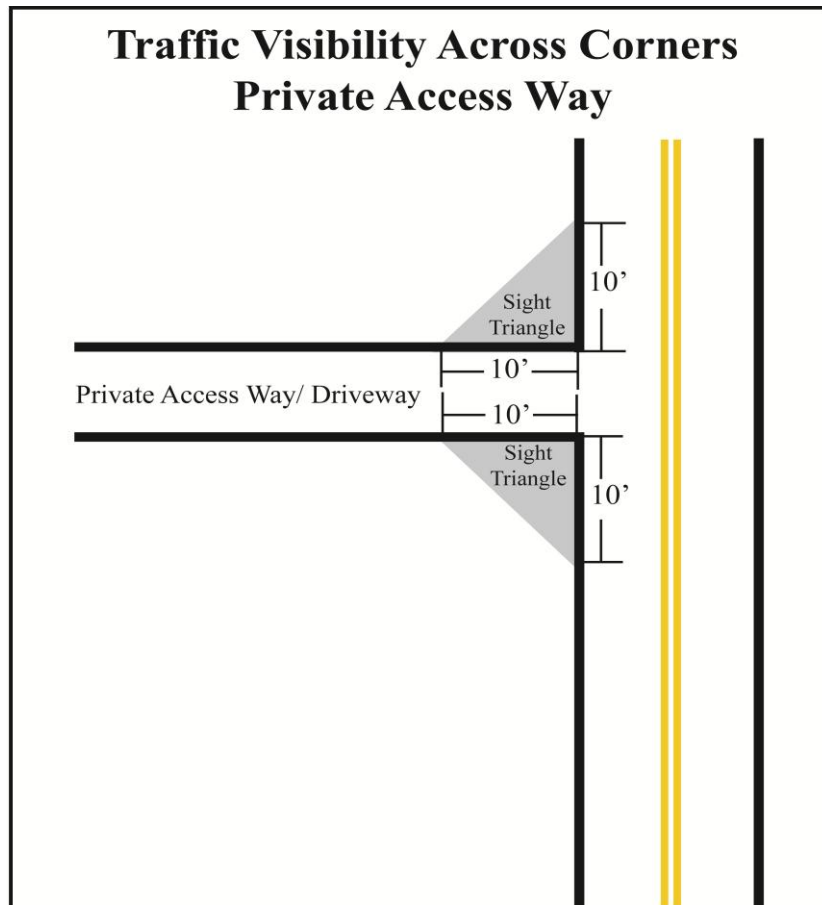


**Figure 1: How to Measure a Sight Triangle on a Corner Lot**



**Figure 2: Height Restrictions in the Sight Triangle on a Corner Lot**

- ii. Where a private access way 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 access way, and a straight line drawn between points on both the street line and the edge of the access way ten (10) feet from the intersection of said lines.



**Figure 3: How to Measure a Sight Triangle at a Driveway**



**Figure 4: Height Restrictions in the Sight Triangle at a Driveway**

b. Essential Services

- i. The erection, construction, alteration or maintenance by public utilities or Village or other 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 Village or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

c. Fences, Terraces, etc. and Projections in Required Yards

- i. Subject to Section E of this Article, the provisions of Article VII shall not apply to terraces, steps, uncovered porches or other similar features not over three (3) feet high above the floor level of the ground story. Arbors, open trellis, flagpoles, recreation and drying yard equipment are exempt from Article VII.

d. Exception to Required Front Yards for Certain Accessory Uses

- i. Subject to Section E of this Article, the provisions of Article VII shall not apply to accessory signs, off-street parking facilities and farm stands.

e. Front and Side Yards of Corner Lots

- i. On a corner lot the street side yard shall equal the required front yard for lots facing that street.

f. Building Height Regulations

- i. Maximum height regulations shall not apply to farm buildings, church spires, chimneys or other structures built above the roof and not devoted to human occupancy.

g. Building Width Regulations

- i. Minimum building width for any residential structure is twenty (20) feet; thirty (30) feet in the RR Zoning District, regardless of construction. Notwithstanding the above, maximum building width for residential structures within a Mobile Home Park is twenty (20) feet regardless of construction.

h. Minimum Habitable Floor Area

- i. Every dwelling unit, and not located within a Mobile Home Park, shall have a minimum habitable floor area of nine hundred (900) square feet. Habitable floor area shall not include area contained in cellars, attics or garages.
- ii. The minimum area of any residential structure within a mobile home park, measured on the outside, shall be seven hundred and twenty (720) square feet.



## **ARTICLE VIII**

### **REGULATIONS APPLICABLE TO SPECIAL USE PERMITS**

#### **8-1 SPECIAL USE PERMITS**

##### **A. Procedure**

- (1) The Village Board of Union Springs shall hear and decide upon applications for Special Use Permits (SP) for any of the uses for which this Law requires obtaining a Special Use Permit from the Board.
- (2) An applicant shall have the burden of proof in establishing a right to a Special Use Permit.
- (3) General Requirements and Standards Applicable to all Special Use Permits. The Village Board shall grant a special use permit when it finds adequate evidence that any proposed use submitted for a Special Use Permit will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use under this Article. The Village Board shall among other things require that any proposed use and location be:
  - a. In the best interests of the Village, the convenience of the community, the public welfare and that it result in a substantial improvement to the property in the immediate vicinity of the proposed use.
  - b. Suitable for the property in question, and designed, constructed and operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
  - c. In conformance with all applicable requirements of this Law.
  - d. Suitable in terms of effects on street or highway traffic and safety with adequate access arrangements to protect area streets and pedestrian ways from undue congestion or hazard.
- (4) In granting a Special Use Permit, the Village Board may impose conditions regarding layout, circulation and performance or operations as it deems necessary to insure that any proposed development will secure substantially the objectives of this Law. These conditions may include but are not limited to, the following:
  - a. Increasing the required lot size or yard dimension.
  - b. Limiting the height, size or location of buildings.
  - c. Controlling the location and number of vehicle access and/or egress points.
  - d. Increasing or decreasing the number of required off-street parking spaces.
  - e. Limiting the size, number, location, type and lighting of signs.
  - f. Limiting the size, number, location, type and intensity of lighting.
  - g. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - h. Designating sites for open space or buffers.

- i. The Village Board expressly reserves the right to waive submission and/or permit requirements in situations where such submission or permit requirements are deemed duplicative or unnecessary with regard to the application under consideration.
- B. Review by Planning Board on Application for Special Use Permits
  - (1) The Village Board shall forward to the Village Planning Board and request an advisory review and opinion on all applications for Special Use Permits. The Planning Board must submit comments summarizing its advisory opinion at least five (5) days before the date of the Public Hearing held by the Village Board. If comments are not submitted to the Village Board within the established time frame, the Village Board will interpret that as recommendation for approval by the Village Planning Board.
- C. Uses Subject to Special Permit Requirements
  - (1) Uses subject to Special Permit requirements include all uses designated with an “SP” designation in the Matrix Table for Use Regulations found in Article VI, Section 6-13. Please note that some Special Uses in the Matrix Table also require the application for and approval of a Planned Development (PD) Zoning District.

## **8-2 SPECIAL REQUIREMENTS FOR DEFINED SPECIAL USES**

- A. Adult Oriented Businesses. In order to prevent the negative secondary effects of adult entertainment establishments, the following restrictions shall apply:
  - (1) No adult-oriented business shall be permitted in a building any part of which is used for residential purposes, including non-conforming residential uses.
  - (2) No more than one adult oriented business shall be permitted in any building, or on any lot.
  - (3) No minor (under the age of 18) shall be permitted onto the premises of any adult oriented business.
  - (4) The exterior of the adult oriented business structure shall be consistent with the character of the surrounding structures and shall not detract from the appearance of the neighborhood.
  - (5) An adult oriented business shall not be operated on a lot whose property lines are within one thousand (1,000) linear feet of any parcel of real property upon which is also located a building used for: residential purposes; a group care facility; a child care center; a regular place of religious worship; a public or private school; a public or semi-public building; a medical center; a community center; or another adult oriented business.
  - (6) An adult oriented business shall not be operated with property lines within one thousand (1,000) linear feet of the property line of any property used as a public park, recreational facility, health facility, or trail.
  - (7) All adult oriented business shall be conducted within enclosed buildings.
- B. Automobile and/or Vehicle Repair; Automobile Sales & Auto Dealerships

- (1) Location: No station, or parts thereof, shall be located within two hundred (200) feet, measured along contiguous street frontages, of any place of residence or public assembly such as, but not limited to churches, schools, theaters, auditoriums, parks and playgrounds.
- (2) Size: No more than two (2) service bays shall be permitted in the Commercial (C) Zoning District unless the following circumstance exists:
  - a. One (1) service bay may be added for each thirty (30) feet of street frontage additional to the minimum required herein, provided such additional frontage has a depth at least equal to that of the other portion of the lot, if located in a Commercial (C) Zoning District.
- (3) Lot Coverage: Lot coverage for such station shall comply with the dimensional requirements of the Zoning District in which the use is located.
- (4) Minimum Yard Requirements:
  - a. All structures shall be setback from the street line a distance of not less than forty (40) feet.
  - b. No portable signs or other devices shall be located within the setback area required in the preceding paragraph (a), except as otherwise provided in Article XII (Sign Regulations).
  - c. Side and rear yards of not less than two hundred (200) feet shall be provided along all other property lines. Such yards shall be provided with an opaque fence of not less than four (4) feet, nor more than six (6) feet in height placed along the property line, or provided with an all-year, solid, evergreen hedge of not less than four (4) feet in height planted along the property line and a ten (10) foot wide landscaped strip adjacent to such evergreen hedge. (Note: Fences installed between commercial uses and residential uses may be as high as eight (8) feet to provide screening of the commercial use from the residential use).
- (5) Open Area Requirements:
  - a. All open area shall be landscaped, where required, or paved with an impervious, all-weather, dustless material, provided, however, all such paved area shall be provided with a storm drainage system to conduct surface run-off into the nearest drainage system. A sand filter must be installed around the perimeter of the paved area.
  - b. All landscaped areas shall be adequately protected by a raised curb of not more than six (6) inches in height, or a bumper guard of not more than eighteen (18) inches in height.
  - c. Curbs shall be provided along the edge of all areas accessible to motor vehicles to prevent the encroachment of vehicles or any portion thereof, upon adjacent property, or the street right-of-way.
- (6) Ingress and Egress Requirements:
  - a. There shall be adequate provision for ingress and egress for all parking areas.

- b. Points of ingress and egress shall be located a minimum of forty (40) feet from the intersection of right-of-way lines of any road.
- c. Curb cuts to define ingress and egress shall adhere to the following design standards:
  - i. Maximum Curb Cut Width: The maximum width of any curb cut that provides for both ingress and egress (a two-way drive) shall be forty (40) feet. The maximum width of any curb cut providing either ingress or egress (one-way drive) shall be twenty four (24) feet.
  - ii. Minimum Curb Cut Width: Every parking and/or vehicle service area shall provide a two-way driveway (curb cut) at least twenty four feet in width or two (2) one-way driveways (curb cuts) each at least fifteen (15) feet in width.
  - iii. Concrete walks over ingress & egress driveways: Where concrete sidewalks are provided or required across ingress and egress driveways, such concrete sidewalk shall be installed and/or maintained across the width of such driveway and shall provide a sidewalk ramp to ensure a smooth transition across the driveway.
- d. Lighting Requirements:
  - i. All lighting shall be located such as to prevent the direct rays from shining upon adjacent properties, public property or streets.
  - ii. All flickering, pulsating, or flashing lights and exposed neon lights are specifically prohibited.
  - iii. No light, which may tend to confuse the motoring public shall be permitted.
- e. Automotive Parts and Vehicle Storage: All automotive parts, dismantled vehicles, and similar related articles shall be stored within a building.

C. Campgrounds

(1) Specific Definitions:

- a. Campground: A parcel of land used or intended to be used by two (2) or more camping units on a transitory or seasonal basis and conducted as a business or as part of a public use or a private club.
- b. Camping Unit: A travel trailer, tent trailer, tent, camping cabin, motor home or any other type of portable shelter intended, designed or used as sleeping quarters or temporary human occupancy.

- (2) Authorization. Campgrounds within the Village of Union Springs shall require the granting of a Special Use Permit in accordance with the Zoning Law of Union Springs - Article VIII. Campgrounds consisting of five (5) or more camping units must comply with NYS Department of Health Law Part 7, Subpart 7-3.

- (3) Zoning. Campgrounds require a Special Use Permit within the Rural Residential and Agricultural Zoning Districts. Campgrounds are prohibited in all other districts.
  - (4) Special Use Permit requirements for Campgrounds:
    - a. Campgrounds and camping units must conform to the building setbacks required within the zoning district they occupy.
    - b. Provide an adequate buffer for adjacent parcels and uses
    - c. Provide adequate access to the campground and individual camping units without impacting adjacent parcels and uses.
    - d. Inhabitation time. No person shall use or occupy a camping unit within the Village of Union Springs for more than 45 days per calendar year, unless such use is carried on within a campground. The 45-day calendar per year limit may be extended to a maximum of 90-days per calendar year, upon application to the Village Code Enforcement Officer and the issuance of a temporary permit. The Code Enforcement Officer shall base the issuance of such temporary permit, authorizing such extension of the occupancy period, on criteria including, but not limited to: (a) Health and Safety Concerns; (b) Encroachment within required building setbacks; and (c) Impact on the character of the neighborhood and adjacent properties.
  - (5) Enforcement: The Village of Union Springs Code Enforcement Officer is responsible for administering and enforcement of requirements.
- D. Commercial Domestic and Non-Domestic Boarding Facilities including Dog Kennels:
- (1) Minimum lot size shall be five (5) acres.
  - (2) No wholly or partly non-residential structure housing dog kennel or veterinary hospital shall be closer than two hundred fifty (250) feet to any property line.
- E. Conversions: Single-Family Dwelling converted to a Two-Family Dwelling:
- (1) The lot area per family should not be reduced to less than that required for the district in which the lot is situated.
  - (2) The yard, building area, and other applicable requirements for the district shall not be reduced to less than that required for the district in which the lot is situated.
  - (3) No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.
- F. Emergency Dwellings
- (1) In the event that a dwelling is rendered uninhabitable by fire, flood, or by a similar natural or manmade disaster, the Zoning Board of Appeals may authorize the placement of an emergency dwelling upon the lot where said damaged dwelling is located. An emergency dwelling shall be a safe and healthful dwelling unit that meets all applicable building, fire, health or other codes. The Zoning Board of Appeals may waive such terms of this law so as to allow the placement and use of such a structure upon the same lot as the damaged dwelling, for occupancy during the period that the damaged dwelling

is being repaired or replaced. Such emergency dwelling shall be removed within sixty (60) days of the issuance of the Certificate of Occupancy for the repaired or replaced dwelling.

- (2) The Emergency Dwelling is permitted only to meet a documented emergency need.
- (3) The maximum length of time such an emergency dwelling may be on a lot is one (1) year. An extension of (1) year making a total time period of two (2) years from the initial permit may be granted by the Zoning Board of Appeals in cases of documented hardship. The hardship must result from circumstances beyond the control of the applicant that prevent the applicant from complying with the requirements of this Section. An extension may be granted only once.
- (4) An Emergency Dwelling must have running water and must be connected to a self-contained septic system, or public sewer.

G. Farm Stands. A farm stand shall be permitted as a seasonal accessory use related to an agricultural activity occurring on either a farm or a non-farm parcel, subject to the following regulations:

- (1) The farm stand will be setback a minimum of twenty (20) feet from any street line.
- (2) A vehicle not exceeding six thousand (6,000) pounds net weight may be considered a permitted farm stand. However, a vehicle, or any part thereof, customarily known as a tractor/trailer or any containerized storage unit shall not be permitted.
- (3) Non-Farm Parcels: The total floor area of the stand shall not exceed one hundred fifty (150) square feet. The farm stand shall be solely for the seasonal display and sale of agricultural and value added products grown or produced on the premises.
- (4) Farm Parcels: The total floor area of the stand shall not exceed four hundred (400) square feet. Farms may seek relief from this requirement through an area variance. The applicant may demonstrate a need for an area variance for additional space based upon the needs of existing farm operations. (See Article III, Section 3-2) The farm stand shall be solely for the seasonal display and sale of agricultural and value added products grown or produced on parcels owned or leased by the farm in conjunction with farm operations or from other farms. However, they may not resell any products previously bought at wholesale or retail establishments.

H. Gas Station and Convenience Store

- (1) Location. No station, or parts thereof, shall be located within two hundred (200) feet, measured along contiguous street frontages, of any place of residence or public assembly, including but not limited to, churches, schools, theaters, auditoriums, parks and playgrounds.
- (2) Size: No more than four (4) gas pumps shall be permitted in the Commercial (C) Zoning District unless the following circumstances exist:

- a. One (1) pump island may be added for each thirty (30) feet of frontage additional to the minimum required herein, provided such additional frontage has a depth at least equal to that of the other portion of the lot, if located in a Commercial (C) Zoning District.
- (3) Lot Coverage: Lot coverage for such station shall comply with the dimensional requirements of the Zoning District in which the use is located.
- (4) Minimum Yard Requirements:
  - a. All structures, including gasoline pump islands and excepting underground storage tanks, shall be setback from the street line a distance of not less than forty (40) feet.
  - b. No portable signs, or other devices, shall be located within the setback area required in the preceding paragraph (a), except as otherwise provided in Article VIII.
  - c. Side and rear yards of not less than two hundred (200) feet shall be provided along all other property lines. Such yards shall be provided with an opaque fence of not less than four (4) feet, nor more than six (6) feet in height placed along the property line, or provided with an all-year, solid, evergreen hedge of not less than four (4) feet in height planted along the property line and a ten (10) foot wide landscaped strip adjacent to such residential area.
- (5) Open Area Requirements:
  - a. All open area shall be landscaped, where required, or paved with an impervious, all-weather, dustless material, provided, however, all such paved area shall be provided with a storm drainage system to conduct surface run-off into the nearest storm drainage system.
  - b. All landscaped areas shall be adequately protected by a raised curb of not more than six (6) inches in height, or a bumper guard of not more than eighteen (18) inches in height.
  - c. Curbs shall be provided along the edge of all areas accessible to motor vehicles to prevent the encroachment of vehicles or any portion thereof, upon adjacent property, or the street right-of-way.
- (6) Ingress and Egress: Ingress and egress points for Gasoline Service Facilities shall be located a minimum of forty (40) feet from the intersection of right-of-way lines of any road, and shall comply with the design standards set forth for Automobile and/or Vehicle Repair; Automobile Sales & Auto Dealerships Requirements under item B, (6) of this Section.
- (7) Lighting
  - a. All lighting shall be located such as to prevent the direct rays from shining upon adjacent properties.
  - b. All flickering, pulsating, or flashing lights and exposed neon lights are specifically prohibited.

- c. No light, which may tend to confuse the motoring public, shall be permitted.
  - (8) All automotive parts, dismantled vehicles, and similar related materials shall be stored within a building.
  - (9) Additions of Improvements to Existing Gasoline Service Stations Additions or improvements to any existing gasoline service station may be permitted upon compliance with the procedures established for the location of new stations, provided such additions or improvements comply with the requirements of this Article.
- I. Greenhouses. Personal greenhouses measuring no more than one hundred forty-four (144) square feet are permitted. Greenhouses larger than one hundred forty-four (144) square feet are governed by the following:
- (1) Said greenhouse shall be substantially in character with surrounding residences.
  - (2) No principal or accessory structure, for commercial use only, shall be located closer than thirty (30) feet to any side or rear property line.
  - (3) A buffer strip consisting of interlocking trees and foliage shall be provided on all side and rear property lines.
- J. Home Occupations.
- (1) The home occupation shall be carried on wholly indoors and within the principal building or within an accessory structure on the same parcel.
  - (2) There shall be no use of show windows, displays, or advertising visible outside the premises to attract customers or clients other than signs as permitted.
  - (3) There shall be no exterior storage of materials.
  - (4) No external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation, if the alterations would alter the residential character of the building.
  - (5) The home occupation shall be carried on only by the owner-occupant of the dwelling unit and/or members of the immediate family residing in the dwelling unit, plus not more than one (1) additional non-residential employee.
  - (6) The floor area devoted to a home occupation shall not be more than twenty-five (25) percent of the ground floor area of the principal residential structure or five hundred (500) square feet, whichever is less.
  - (7) Parking: All home occupations shall provide off-street parking available for customers of the home occupation at the subject site. A minimum of two (2) off-street parking places shall be provided and a maximum of three (3) off-street parking spaces shall be permitted.
  - (8) A Home Occupation Business Intent Form must be on file with the Clerk and it must be reviewed and approved by the Zoning Code Officer.
  - (9) Home Occupations Permitted by Right:
    - a. The following home occupations are permitted by right, subject to the regulations included herein and after a completed Home Occupation



Business Intent Form is submitted to the Village Clerk and the Code Enforcement Officer approves a Home Occupation Zoning Permit:

- i. Accountant or Bookkeeper;
- ii. Answering Service;
- iii. Artist or Graphic Designer;
- iv. Author or Writer;
- v. Billing Service;
- vi. Business Support Service;
- vii. Consultant Service;
- viii. Desktop Publisher;
- ix. Financial Planner;
- x. Foundation (Educational / Philanthropic / Research);
- xi. Mailing Service;
- xii. Management Consultant;
- xiii. Photographer;
- xiv. Software Engineer / Developer;
- xv. Tutor and/or Educational Services;
- xvi. Web Designer;
- xvii. Word Processing Service.

(10) Home Occupations Prohibited:

- a. The following home occupations are expressly prohibited within the Village of Union Springs:
  - i. Archery Sales / Practice;
  - ii. Auto Body Works, Auto Repair and Auto Sales;
  - iii. Beekeeper;
  - iv. Excavator / Heavy Equipment Repair and Storage;
  - v. Exterminator Services;
  - vi. Gun and Ammunition Sales / Repair or Manufacture;
  - vii. Machine Tool Shop;
  - viii. Monument or Stone Cutting Sales and Service
  - ix. Pet Sitter;
  - x. Print Shop;
  - xi. Small Engine Repair;
  - xii. Taxidermy

xiii. Welder and Welding Services.

(11) Among the uses that shall not be interpreted to be a home occupation are the following: animal hospital, commercial stables and kennels, and restaurant.

(12) Home Occupations Requiring a Special Permit (SP):

- a. All Home Occupations not listed as Permitted by Right in Section J(9) above or Prohibited under Section J(10) above, shall only be permitted through the application for and approval of a Special Use Permit by the Village Board as provided for in Article III Section 3-7, Powers and Duties - Special Use Permits.

K. Hotels and Motels

- (1) Hotels and Motels are permitted in the AR, HB, C, NC and WC Zoning Districts under the Special Use Permit Regulations of this Article and are subject to regulations applicable to all districts in Article VII, the Landscape, Screening and Buffering requirements in Article X and the Off Street Parking and Loading Requirements of Article XI.
- (2) Hotels and Motels are subject to Site Plan Review and Approval under Article XIV.

L. Inns

- (1) Inns are permitted in all Zoning District under this Article and are subject to regulations applicable to all districts (Article VII), the Landscape, Screening and Buffering requirements in Article X and the Off Street Parking and Loading Requirements of Article XI.
- (2) Inns are subject to Site Plan Review and Approval under Article XIV.
- (3) The maximum number of guest rooms in an Inn shall be twelve (12).

M. Raising of Livestock

- (1) No structure or area for the keeping or raising of livestock, small animals or poultry shall be located closer than one hundred (100) feet to any side, rear or front property line.
- (2) Such use shall not be detrimental or injurious to the character of the neighborhood or any principle use located therein.
- (3) Said area for keeping of livestock shall be completely fenced and housing must be provided for the animals.
- (4) Lot size must be a minimum of 200,000 sq. ft.

N. Riding Academy

- (1) Minimum lot size shall be ten (10) acres.
- (2) No stable shall be less than two hundred (200) feet from any lot line.
- (3) A fence shall shield any refuse disposal.

O. Small Wind Energy Systems (Wind Towers). Permitting and placement of small residential or commercial wind energy systems within the Village of Union Springs, whether new or modified facilities, are subject to Special Use Permit review. (See Article

VIII – Special Use Permits). The regulations specific to Small Wind Energy Systems and Wind Towers are located in Article XIII.

- P. Telecommunications Facilities and Cell Towers. All telecommunications facility applications, whether for new or modified facilities, are subject to Special Use Permit review. (See Article VIII – Special Use Permits). The regulations specific to Telecommunications Facilities and Cell Towers are located in Article XIII.

## **ARTICLE IX**

### **NON-CONFORMING USES, STRUCTURES AND LOTS**

#### **9-1 CONTINUATION**

- A. The lawful use of any structure or land existing at the effective time of this Law may be continued although such use does not conform with the provisions of this Law except as otherwise provided in this Article.

#### **9-2 ALTERATION OR EXTENSION**

- A. A use of land or structure which does not conform to the regulations of this Law shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:
- (1) Such alteration or extension shall be permitted only upon the same lot as in existence at the date the use became non-conforming.
  - (2) Any increase in volume, area or extent of the non-conforming use shall not exceed an aggregate of more than fifty (50) percent during the life of the nonconformity.
  - (3) For the purposes of this section "Volume" does not mean volume of business but rather an increase of cubic volume within a structure.

#### **9-3 RESTORATION**

- A. No structure damaged by fire or other causes to the extent of more than seventy-five (75) percent of its fair market value shall be repaired, reconstructed or used except in conformity with the regulations of this Law. Structure with damage to the extent of seventy-five (75) percent or less of the fair market value may be reconstructed, repaired or used for the same non-conforming use subject to the following provisions:
- (1) The reconstructed structure shall not exceed the height, area or volume of the damaged structure except as provided by Section 9-2 above.
  - (2) Reconstruction shall begin within six (6) months from the date of damage and shall be carried on without interruption.

#### **9-4 ABANDONMENT**

- A. Whenever a non-conforming use has been discontinued for one (1) full year, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Law.

#### **9-5 CHANGES**

- A. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under the following conditions:
- (1) Such change shall be permitted only by Special Use Permit, under the provisions of Article VIII.

- (2) The applicant shall show that the non-conforming use cannot reasonably be changed to a permitted use in the district where such non-conforming use is located. The burden of this proof is on the owner of the use or applicant for the Special Use Permit being sought.
- (3) The applicant shall show that the proposed change will be less objectionable in external effects than the exiting non-conforming use with respect to:
  - a. Traffic generation and congestion including truck, passenger car and pedestrian traffic.
  - b. Noise, smoke, dust, noxious matter, heat, glare, vibration.
  - c. Storage and waste disposal.
  - d. Appearance.

**9-6 DISPLACEMENT**

- A. No nonconforming use shall be extended to displace a conforming use.

**9-7 DISTRICT CHANGES**

- A. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses or structures existing therein.

**9-8 ZONING PERMIT REQUIRED**

- A. Zoning permits shall be issued by the Zoning Officer for all lawful non-conforming uses existing at the effective date of this Law. The zoning permit shall include a statement that the use is non-conforming and shall list the specific conditions under which said use may continue. It shall be signed by both the Zoning Officer and the Owner. The burden of seeking out and securing a Zoning Permit for a non-conforming use is that of the property owner and not the Zoning Officer.

## **ARTICLE X**

### **LANDSCAPING, SCREENING AND BUFFERING REQUIREMENTS**

#### **10-1 PURPOSE AND INTENT**

The Landscaping, Screening and Buffering Requirements are hereby established to protect the existing character and visual appeal of the built environment in the Village of Union Springs, to promote the orderly development of attractive public spaces as business expansions and new development occurs and to effectively and appropriately screen incompatible views and uses from view of the public and thereby secure a quality public realm for the enjoyment of residents and visitors to the Village of Union Springs.

- A. Authorization: Landscaping and buffering are permitted in any zoning district. When required by this section in conjunction with a particular use, said landscaping and buffering shall be deemed to be a mandatory element of any permit granted for said use. All required landscaping must be maintained by the property owner and any damaged or dead plant materials, fence or structure shall be replaced by the property owner. The Zoning Officer may send a notice to the property owner if the required landscaping or screening is found to be deficient.
- B. Definitions: When used in this section, the following words and terms shall have the meanings herein assigned:
- (1) Arterial Streets and Highways: Those ways used primarily for fast or heavy traffic generally having a right-of-way width of 80 to 120 feet. An example in the Village of Union Springs would be NYS Route 90.
  - (2) Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.
  - (3) Buffer: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to physically separate and visually screen incompatible land uses from each other.
  - (4) Deciduous: A plant with foliage that is shed annually (e.g. a Maple Tree).
  - (5) Evergreen: A plant with foliage that persists and remains green year round (e.g. a Pine Tree).
  - (6) Ornamental Tree: A deciduous tree planted primarily for its ornamental value or for screening purposes which tends to be smaller at maturity than a shade tree (e.g. an ornamental Crab Apple tree).
  - (7) Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.
  - (8) Shade Tree: Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy (e.g. A Norway Maple tree).
  - (9) Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

- (10) Specimen Tree: A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.
- (11) Tree: A large, woody plant having one or several self-supporting stems or trunks and numerous branches. It may be classified as deciduous or evergreen.
- (12) Woodlands, Existing: Existing trees and shrubs of number, size and species that accomplish the same general function as new plantings.

#### C. Buffers

- (1) General design factors. To determine the size of the buffer two variables should be considered: (1) the nature of the adjacent uses; and (2) the amount of required vegetation. For example, an industrial use might require a fifty-foot heavily planted buffer, whereas a funeral home at the same location might require a ten-foot-wide area fenced with planting screening the parking lot.
  - a. A hierarchy of buffers has been created corresponding to the degree of land use incompatibility. The more incompatible the proposed use relative to the adjusting use (the use being impacted) the more physical space and planting or screening elements are required.
  - b. The variables include minimum building setback (in feet), minimum landscaped yard (in feet), and the amount of vegetation required (set forth in terms of plant units). For example, one (1) shade tree equals ten (10) plant units, one (1) evergreen or ornamental tree equals five (5) plant units, and each shrub equals one (1) plant unit. Instead of specifying a certain number of trees and shrubs, the plant unit method gives the applicant flexibility to develop individual, creative site solutions using a variety of plant materials to suit the development and the site. However, the number of plant units proposed must equal or exceed the required number.
  - c. Determining the Required Buffer. There are three (3) steps to determining the Type of Buffer, the Buffer Yard Required and the Number of Plant Units for the Type of Buffer required:
    - i. The Type of Buffer (None, Type A or B) is determined by the matrix in Chart 1 below, with the required buffer types identified at the intersection of the “proposed use” in the first column referenced against the “adjusting use” in the second, third or fourth column. The cross reference will identify the required buffer as one of three options:
      - a. “None” (e.g. for a single-family proposed use next to a single-family adjusting use);
      - b. “A” (e.g. for a two-family proposed use next to a single-family adjusting use);
      - c. “B” (e.g. for a commercial proposed use next to a single-family adjusting use).

- ii. The Size of the Required Buffer for either Type A or Type B Buffer is composed of two (2) elements: (1) the minimum buffer yard and (2) the number of required plant units to be placed as screening in the buffer yard. The Size of the required buffer is shown in Chart 2 below.
- iii. The number of Plant Units required by Chart 2 shall be determined by Chart 3, below.
- d. The following three (3) charts shall be used to determine the buffer required in a particular situation:
- e.

<b>CHART 1 – REQUIRED BUFFER</b>			
	<b>Adjusting Use:</b>		
<b>Proposed Use ↓</b>	<b>Single Family Detached Housing</b>	<b>Two Family Detached Housing / Town Houses and Garden Apts.</b>	<b>Commercial Uses</b>
<b>Single Family Detached Housing</b>	None	A	B
<b>Two Family Detached Housing / Town Houses and Garden Apts.</b>	A	None	B
<b>Commercial Uses</b>	B	B	None
<b>Industrial Uses</b>	C	C	B

<b>CHART 2 – SIZE OF REQUIRED BUFFER</b>		
<b>Buffer Type</b>	<b>Minimum Buffer Yard (In feet)</b>	<b>Number of Plant Units Required for each 100 Linear Feet of Property Line or Right-of-Way</b>
<b>A</b>	10	40
<b>B</b>	25	60
<b>C</b>	50	70

<b>CHART 3 – CALCULATION OF PLANT UNITS FOR CHART 2</b>			
<b>Type of Plant Unit</b>	<b>Caliper (inches)*</b>	<b>Height (feet)*</b>	<b>Plant Units</b>
1 Shade Tree	2.5 to 3.0	12-14	10
1 Evergreen or Ornamental Tree	1.5 to 2.0	7-9	5
Each Shrub	--	1.5	1

\*At the time of installation.



D. Landscaping

- (1) General requirements for landscaping plan. All uses subject to site plan review and approval by the Planning Board shall include a landscaping plan with the site plan submission. The Planning Board may require the landscaping plan to be prepared by a landscape architect.
- (2) Specific requirements for landscaping plan. A landscaping plan shall include the following:
  - a. Description of the site, including location, general type and quality of existing vegetation, including specimen trees.
  - b. Existing vegetation to be saved.
  - c. Methods and details for protecting existing vegetation during construction and the approved sediment control plan if one is required by state DEC regulations.
  - d. Location and labels for all proposed plants.
  - e. Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting.
  - f. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas.
  - g. Planting and installation details as necessary to ensure conformance with all required standards.
- (3) Landscape Requirements applicable to specific activities. Whenever the following activities are proposed, the following minimum standards shall apply, whether site plan approval is or is not required.
  - a. All parking lots of seven (7) or more spaces shall meet the following minimum landscaping requirements along the public right-of-way and the parking lot perimeter.
    - i. There shall be a minimum ten-foot wide planting strip between the right-of-way and the parking lot planted with a minimum of one (1) shade tree and 10 shrubs for every 35 linear feet of frontage, excluding linear feet of driveway (curb-cut) openings.
    - ii. If existing woodland is available, the applicant may preserve a twenty-five-foot-wide strip in lieu of the landscaping requirement.
    - iii. A parking lot perimeter must be landscaped so as to prevent two adjoining lots from appearing to be one large paved expanse. To achieve this, said perimeter must be at least six feet wide for a parking lot larger than 10,000 square feet or four feet wide if the parking lot is smaller. One (1) shade tree and three (3) shrubs are required for every 35 feet of perimeter. The required perimeter between lots does not preclude the need or opportunity to provide vehicular access between lots when appropriate.

- b. All commercial and industrial uses shall provide a landscaping strip between the buildings and the street or right-of-way, except where parking lot landscaping is required and can function as the landscape strip.
  - i. A minimum landscaping strip shall be established meeting one of the following options. It must be located on the project site and adjacent to the public right-of-way. It may not include any paved surfaces except for pedestrian access ways.
    - a. The landscape strip must be at least 10 feet wide, planted with one (1) shade tree and 10 shrubs for every 35 feet of linear street frontage.
    - b. The landscape strip may vary in width between a minimum of 10 feet and a maximum of 20 feet, averaging 15 feet. One shade tree and 10 shrubs per 35 linear feet are required.
    - c. Credit toward these requirements will be given for preserving woodlands which are at least 25 feet wide and appropriately located.
- c. All newly established residential uses shall meet the following landscaping standards:
  - i. One street tree of a variety of North American hardwood at least 2.5 inches in diameter at breast height per 50 feet of frontage. Existing trees may count toward this requirement.
  - ii. For all multifamily dwellings at least one shade tree for each 1,600 square feet of green space on the site. Existing trees may count toward this requirement.
- d. Alternative designs.
  - i. The Planning Board may consider alternatives to any of the landscaping designs required by this Subsection D under any of the following circumstances:
    - a. The site involved has space limitations or unusually shaped parcels;
    - b. Topography, soil, vegetation or other site conditions are such that full compliance is impossible.
    - c. Due to a change of use of an existing site, the required buffer yard is larger than can be provided; or
    - d. Safety considerations are involved.
    - e. All alternatives proposed by the developer must equal the prescribed regulations in terms of quality, effectiveness, durability, hardiness and performance.

## **ARTICLE XI**

### **OFF STREET PARKING AND LOADING REQUIREMENTS**

#### **11-1 REQUIRED OFF-STREET PARKING AND LOADING SPACES**

- A. Parking Space: The following off street parking provisions constitute the minimum space required for the following buildings and uses hereafter erected, converted or otherwise established in any district. The Planning Board may reduce the number of required parking spaces if a property owner provides evidence of an undue hardship and the inability to provide the required number of spaces on the subject parcel. The Planning Board may require an alternative parking plan which may include off site or shared parking that meets the intent of the applicable requirements below.
- (1) Single-Family Detached Dwelling and Two-Family Dwelling: One (1) off-street parking space for each dwelling unit.
  - (2) Multi-Family Dwelling and Residential Structures in a Mobile Home Park: One and one half (1-1/2) parking spaces for each dwelling unit.
  - (3) Bed & Breakfast, Inns, Motel, Hotel: One (1) off-street parking space for each rental room or suite, plus one (1) additional space for every five (5) rental rooms or suites for employee parking.
  - (4) Eating or Drinking Establishment: One (1) off-street parking space for every four (4) seats plus four (4) off-street parking spaces for employees.
  - (5) Place of Worship, Library and Fire Station: One (1) off-street parking space for every four (4) seats of the listed maximum occupancy of the property, plus three (3) additional spaces for employees.
  - (6) Retail and Office Uses: One (1) off-street parking space for each hundred (100) square feet of gross floor area.
  - (7) Historic Business (HB) Zoning District Parking: Any other provisions of this section to the contrary notwithstanding, no off-street parking shall be required for any use, other than residential uses, within the Historic Business (HB) Zoning District. However, any such parking voluntarily provided shall comply with the off-street parking provisions of Section 11-2, Subsections D and E of this Law. Residential uses with more than five (5) residential units shall provide one (1) off-street parking space per unit. Residential uses with five (5) units or less shall not be required to provide off-street parking.
  - (8) Healthcare Facilities: One (1) off-street parking space for every two hundred (200) square feet of gross floor area.
  - (9) Home Occupation: A minimum of two (2) off-street parking places shall be provided and a maximum of three (3) off-street parking spaces shall be permitted.
  - (10) Farm Stand: No off-street parking shall be required for farm stands. However, the Planning Board may require off-street parking at their discretion if they determine that a safety hazard exists for vehicular and/or pedestrian traffic due to the volume of on-street parking occurring for said farm stand use.

- (11) Two or more establishments may join in meeting the requirements of this Article, provided that the total area for parking is the sum of the individual requirements.
- (12) Loading and Unloading Space: Off-street loading and unloading space, sufficient to accommodate the maximum demand generated by the use of the lot, shall be provided on any lot on which a building for commercial use is hereafter erected or substantially altered. All off-street loading and unloading spaces shall have an all-weather surface to provide safe and convenient access and use during all seasons.

## **11-2 DESIGN OF OFF-STREET PARKING AND LOADING SPACES**

- A. Authorization: The off-street parking of vehicles, and the use of land for loading and unloading vehicles, is permitted in any zoning district subject to the regulations set forth in this section and any other regulations regarding parking, parking lots and loading areas set forth in this Law, particularly Article X, Section 10-1 D(3).
- B. Purpose: The regulations herein set forth are intended to prevent or alleviate congestion of the public streets and thereby promote public safety.
- C. General Parking Regulations.
  - (1) Applicability to existing, new and expanded uses.
    - a. Except as provided otherwise in this section, the provisions of this section shall apply to new and existing uses in accordance with the provisions of Article II of this Law and off-street parking spaces shall be provided as required in this section.
    - b. Whenever a use existing on the effective date of this Law is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use, except that when any such existing use was deficient in required parking spaces on such effective date, such new use may be established with a deficiency in required parking spaces equal in number to not more than such preexisting deficiency.
  - (2) Historic Business (HB) Zoning District Exception: Any other provisions of this section to the contrary notwithstanding, no off-street parking shall be required for any use, other than residential uses, within the Historic Business (HB) Zoning District. However, any such parking voluntarily provided shall comply with the provisions of Subsections D and E of this section.
  - (3) Location of required parking spaces.
    - a. Parking spaces required by this section shall be located as herein provided. Where a distance is specified, such distance shall be the walking distance, measured along established pedestrian routes, from the nearest point of the parking facility to the nearest point of the building, structure or use served by such facility.
    - b. All parking facilities provided under this article shall be located off the public right-of-way and shall contain an area of at least two hundred (200) square feet per automobile parking space exclusive of access ways, aisles and maneuvering space (minimum 10' wide by 20' long). Each space

shall have an all-weather surface, which may consist of gravel, crushed stone, concrete, asphalt or black top.

- c. Parking areas set back from lot lines and streets. In all districts, no part of any parking area, other than driveways for ingress and egress and parking for single- and two-family residential uses, shall be located closer to a street or lot line than the minimum setback required for a one-story principal building in the relevant district or by the landscaping and buffer requirements of Article X Section 10-1 D (3), whichever is less.
- d. Required parking for single-family detached, semidetached, two-family and attached dwellings shall be provided on the same lot in a designated all-weather space as required above. Parking on non-all-weather surfaces such as grass or a lawn is prohibited except during temporary occasional events or gatherings such as parties or when moving.
- e. Required parking for multi-family dwellings, nursing homes, assisted living and health care facilities, clubs, and for customer, client and visitor parking for retail, office, commercial, and industrial uses shall be provided on the same lot and/or within 300 feet of the same lot. A sign shall be prominently posted at the entrance door(s) indicating the location of the required parking. Also parking spaces reserved by lease for a nearby business shall be so identified by sign(s).
- f. Required all-day employee parking for office, commercial, and industrial uses shall be provided on the same lot and/or within 1000 feet of the same lot.
- g. General requirements. Subject to the foregoing limitations, required parking for any uses located in a residential district may be located in any district. Required parking for any use in any other district may be located in any district except a residential district.

D. Parking Lot Landscaping Requirements. All parking lots shall meet the landscape design requirements contained in Article X Section 10-1 D (3) in addition to any requirements included herein.

E. Parking Lot and Parking Space Design Standards:

- (1) Driveways and parking areas for nonresidential uses except home occupations shall include, within the property lines, turning areas so constructed and paved such that a vehicle entering or leaving the property is not required to back onto the street.
- (2) Backup area. Except for attendant-operated parking areas, each parking space shall be provided with a sufficient backup area to permit egress in one maneuver, consisting of one backward and one forward movement.
- (3) Access. Every parking garage and parking area containing 25 or more spaces shall be provided with a two-way driveway at least 24 feet in width or two one-way driveways each at least 15 feet in width.
- (4) Maximum Curb-Cut Width. The maximum curb cut width for any access or egress (driveway) for parking areas in any district shall be thirty (30) feet.

- (5) All illumination on parking lots shall be shielded so as not to produce or project any lighting or glare beyond the boundaries of the subject parcel.
  - (6) Parking Area Surface:
    - a. In any district other than the Historic Business (HB) Zoning District, every off-street parking area shall be paved in such a manner so as to provide an all-weather, durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation in the area without shedding additional water on an adjoining property or right-of-way. Individual stalls shall be clearly identified by markings four to six inches in width. The surface material and drainage system shall be approved by the Village Planning Board in consultation with Village Superintendent of Public Works or an Engineer designated to the project by the Village.
    - b. In the Historic Business (HB) Zoning District, every off-street parking lot shall be paved with an asphaltic or Portland Cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation. Individual stalls shall be clearly identified by markings four inches to six inches in width. The surface material and drainage system shall be approved by the Village Planning Board in consultation with Village Superintendent of Public Works or an Engineer designated to the project by the Village.
  - (7) Car stops. Suitable devices shall be provided, located and designed to protect required screening devices and landscaping from damage by vehicles.
  - (8) Tree pits. Trees located in paved areas shall be provided with adequate tree pits to permit proper watering.
  - (9) Slope. No part of any parking area, excluding access ramps, shall have a slope in excess of 5%.
  - (10) Snow storage area. All parking garages and parking areas designed for more than ten (10) parking and loading spaces shall provide a storage area for snow which will not displace any required parking or access thereto or provide documentation acceptable to the reviewing agency as to an alternative disposal method.
- F. Design and Maintenance of Loading Spaces. Every loading space shall be designed, constructed and maintained in accordance with the standards and requirements set forth herein.
- (1) Minimum setbacks. Loading spaces may be located anywhere on a lot, except that no part of any loading space shall extend into any required front yard.
  - (2) Screening.
    - a. Sufficient screening shall be provided along all lot lines abutting any residentially zoned or developed property to visually insulate the residential use from all operations, materials and vehicles within any loading space.

- b. Loading areas accessory to commercial uses, shopping centers or planned developments shall be so located and screened as to be visually insulated from public awareness.

(3) Design Standards.

- a. Dimensions. Each loading space shall have the following minimum dimensions, in feet:

TYPE	WIDTH	LENGTH	HEIGHT
TRACTOR-TRAILER:	12'	55''	14'
OTHER:	12'	35'	14'

- b. Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with traffic movement. Access to and from loading spaces shall be approved by the Village Planning Board in consultation with the Village Superintendent of Public Works or an Engineer designated to the project by the Village.
- c. Surface. Every loading space shall be surfaced with an asphaltic or Portland Cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means acceptable to the Village Planning Board in consultation with the Village Superintendent of Public Works or an Engineer designated to the project by the Village.
- d. Lighting. Fixed lighting installed in Loading Areas shall be so arranged to prevent direct glare of beams onto any public or private property or streets.
- e. Signs. No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading space.

## **ARTICLE XII SIGN REGULATIONS**

### **12-1 TITLE**

- A. This Article shall be known as the “General Sign Regulations of the Village of Union Springs”
- B. The intent of this Article is to promote the public safety, protect property values, create a more attractive economic climate and enhance the natural beauty of the Village by regulating and restricting existing and proposed signs and advertising devices of all kinds. This Article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide for more open space and curb the deterioration of natural beauty and the community environment. This Article is also intended to permit businesses and professions to make use of signage that is important to individual and collective success.

### **12-2 DEFINITIONS**

- A. As used in this article, the following terms shall have the meanings indicated, unless otherwise stated:
  - (1) Building Frontage: The width of any one specific face of a building.
  - (2) Business Frontage: The width of the portion of building frontage allocated to an individual occupant and/or business enterprise.
  - (3) Business Sign: Any sign related to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located, excluding industrial signs.
  - (4) Construction Project Sign: Any sign erected by an architect, an engineer or each contractor, with the sign face of each such sign not exceeding 12 square feet, placed on the premises where construction, repair or renovation is in progress.
  - (5) Cross Street Banners: A Temporary Sign in the form of a fabric banner constructed and intended to be hung across a highway, street, lane or other public right-of-way open to vehicular traffic, erected in compliance with New York State Department of Transportation requirements and approved by the Village Board of Trustees.
  - (6) Directional Sign: Any sign that directs attention to the location of a local service.
  - (7) Directory Sign: A series of rectangular signs mounted one above another between vertical supporting upright posts, each sign of the same width and length.
  - (8) Erect/Erected: To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, including the painting of exterior wall signs and the use of any vehicle or other substitute for a sign.



- (9) Face Sign: A sign mounted flush with or projecting not more than nine (9) inches from the face or front of a building.
- (10) Freestanding Sign: Any sign and sign-support structure that is not attached to or part of a building, including a planter sign.
- (11) Front or Face of the Building: The outer surface of a building which is visible from any private or public street, highway or driveway, including window display areas.
- (12) Ground Sign: Any sign with its message lying on or in the ground.
- (13) Illuminated Sign: Any sign lighted by electricity, gas or other artificial light, including reflective or phosphorescent light, paint or tape.
- (14) Lighting Device: Any light, string or group of lights located or arranged so as to cast illumination on or from a sign.
- (15) Non-conforming Sign: Any sign lawfully existing on the effective date of this Law, or any amendment to it; rendering such sign non-conforming, which does not comply with all of the standards and regulations of this Chapter or any amendment thereto.
- (16) Outdoor Advertising Sign: Any sign unrelated to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
- (17) Person: Any person, corporation, firm, partnership, association, company, institution or organization of any kind.
- (18) Planter Sign: A sign which is attached to or directly associated with floral or other decorative plantings.
- (19) Political Sign: A sign of a political nature, relating to a special or general election or referendum or other specific political event.
- (20) Portable or Mobile Sign: Any sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building.
- (21) Pre-existing Non-conforming Sign: Any sign which exists at the effective date of this Article or an amendment thereto and which does not conform to the regulations and restrictions imposed thereby.
- (22) Private Sale and/or Event Sign: Private, temporary signs meant to advertise a special sale or event, that are no larger than six (6) square feet, are located entirely on private property at which the sale or event shall take place and are not erected more than twelve (12) hours in advance of such sale or event and removed on the day following the conclusion of the sale or event.
- (23) Projecting Sign: Any sign which extends from the exterior of any building more than nine (9) inches.
- (24) Residential Sign: A sign which only identifies by name the resident or residents or the address or box number, including mailboxes and directory signs at the entrance to private roads or lanes.

- (25) Roof Sign: Any sign constructed on or supported by the roof of any building or structure.
- (26) Sign: Any material, structure or part thereof or any device attached to a structure or painted or represented thereon, composed of or upon which is placed lettered, pictorial or other matter for visual communication, when used or located out-of-doors or on or near the exterior of any building for the display of any advertisement, notice, directional matter, information or name. The term "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation or the flag or insignia of any nation or of any governmental agency or political signs or residential signs.
- (27) Sign Area: The square footage of the smallest rectangle which will enclose all letters, pictorial matter and designs which form the message of the sign. Freestanding signs may include an identical back, the area of which is not included in the "sign area." An architectural cornerstone or building identification with a maximum area of two square feet is also not part of the "sign area".
- (28) Sign Face: The square footage of the smallest rectangle which will enclose all elements intended to be part of the sign, including but not limited to the sign area and the background related to the sign. Supporting structures are not part of the "sign face" unless internally lit or lit by their own specific external light source. If a sign is painted or applied without backing to the face of a building, the "sign face" also includes any additional form or design non-integral to the building's architecture
- (29) Sign Officer: Such person as may be designated by the Village Board by resolution or, if none is so designated, the Zoning Enforcement Officer for the Village of Union Springs.
- (30) Temporary Sign: Any sign, not larger than four (4) feet x eight (8) feet in size, or smaller if otherwise required, with the exception of "cross street banners" permitted in compliance with New York State Department of Transportation requirements and approved by the Village Board of Trustees, which is intended to advertise a community, civic, political, charitable, social and educational function; real estate for-sale, for-lease or for-rent signs; construction project signs; garage sale signs; and signs signifying the opening of a new business. Temporary Signs shall also include Advertising Flags (e.g. cloth flags that advertise "OPEN" or "SALE" or a specific product carried by a business, such as "WINE" when such signs are placed out during business operating hours and removed at the end of the business day and limited to a maximum number of one (1) per business) and Sandwich Boards (e.g. small, portable advertising boards meant to be placed within the right-of-way, such as on the sidewalk, and advertising specials, or daily menus etc., placed out during business operating hours, removed at the end of the business day and limited to a maximum number of one (1) sandwich boards per business
- (31) Vehicle Sign: A sign painted on or attached to a motor vehicle or other vehicle used or intended for use on a public highway.

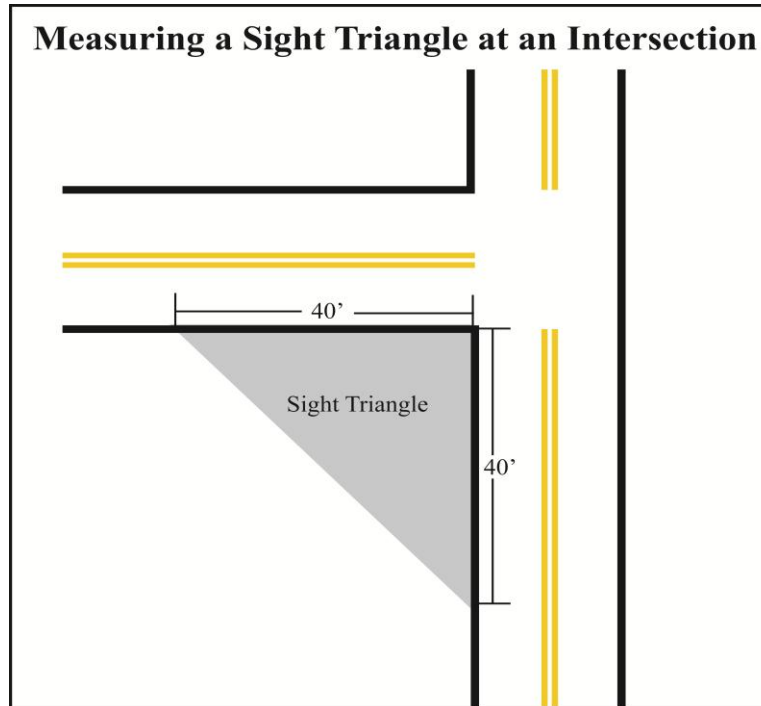
- B. Terms not defined herein but defined elsewhere in the Law shall have the meanings indicated therein.

### **12-3 GENERAL REGULATIONS**

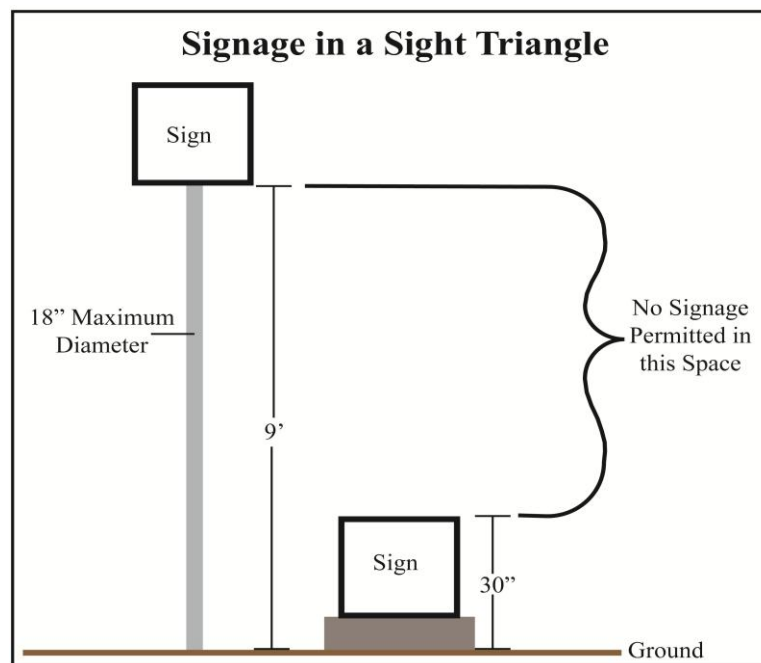
- A. General Standards. The following general standards shall apply to all signs:

- (1) Sign measurement.
  - a. Area to be included. The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, upon which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made a part of the message or face of the sign.
  - b. Signs attached to walls. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning, wall or window, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words, symbols or designs and any accompanying background or a color different than the natural color of the wall.
- (2) Height of signs. Sign height shall be measured between grade and the highest point of the highest element of the sign face.
- (3) Electrical elements. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable electrical code(s) and documentation of such shall be filed with the Code Enforcement Officer.
- (4) Structural elements. The construction and structural components of all signs shall be in accordance with the New York State Uniform Fire Prevention and Building Code, and the appropriate permit(s) shall be secured from the Code Enforcement Officer.
- (5) Obstruction of access-ways. No sign or sign structure shall obstruct free ingress to, or egress from a fire escape door, window or other required access-way.
- (6) Obstruction of light and air. No sign shall be erected or maintained within the zone of light obstruction for any window opening into any habitable room or any residential unit. The “zone of light obstruction” is a segment of a cone described horizontally by an arc drawn from the center line of the window, measured horizontally, extending to 70° on either side of the center line, at a radius of 40 feet, and described vertically by the space between a plane extending horizontally from the windowsill and a plane extending from the top of the window at an angle of 160° to the face of the building.
- (7) Traffic safety.
  - a. No sign shall be maintained at any location where by reason of its position, size, shape, content, color, moving or active components, it may obscure, impair, obstruct, interfere with the view or be confused with any traffic control sign, signal or devise or where it may interfere with, mislead, or confuse traffic.

- b. No sign, or any part of a sign other than a supporting pole or brace no greater than 18 inches in width or diameter, shall be located lower than nine (9) feet from the grade at the curb or street line, or, if anchored to the ground, exceed thirty (30) inches in height within a triangle formed by the street intersection, created by the right-of-way line of each street extended to a point and a line drawn between two points on the right-of-way of each street, each located forty (40) feet from the street intersection.



**Figure 5: How to Measure a Sight Triangle at an Intersection**



**Figure 6: Area in a Sight Triangle Where Signage is Prohibited**

- (8) Signs in rights-of-way. No sign, except publicly owned signs, shall be placed in or extend into or over any public right-of-way unless the sign owner has submitted written proof of insurance, the adequacy of which should be determined by the legal counsel representing the Village. Such insurance shall remain in effect so long as the sign is in place.
  - (9) Sign maintenance.
    - a. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in a neat and orderly condition and good working order at all times to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
    - b. Unsafe signs or unsightly, damaged, or deteriorated signs or signs in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for the repair or removal of unsafe signs. If safety compliance is not achieved within 24 hours of such notice, the sign shall be repaired or removed by the Village and the costs associated with such removal or repair assessed to the property owner.
    - c. Temporary signs that are unsafe, unsightly, damaged, deteriorated or in danger of falling shall be put in order or removed upon written notice. Immediate compliance is required for the repair or removal of such signs.
    - d. The owner of a temporary sign and the owner of the premises on which such temporary sign is located shall be jointly and severally liable to remove such sign within the time period established for its removal.
- B. No sign except those defined as "temporary signs" and "private sale signs" may be erected without a Sign Permit issued by the Sign Officer.
- C. Private sale signs and private event signs are permitted in any district without a Sign Permit issued by the Sign Officer provided that such signs are no larger than six (6) square feet, are located entirely on private property at which the sale or event shall take place and are not erected more than twenty-four (24) hours in advance of such sale or event and removed on the day following the conclusion of the sale or event.
- D. All signs shall be securely attached to a building or a structurally sound support, and their display surface shall be kept neatly painted or finished and in good repair at all times.
- E. Illuminated signs
  - (1) Illuminated signs may utilize only light of constant color and intensity. No flashing, intermittent, rotating or moving lights or strings of lights may be used, except traffic warning lights for hazards and holiday lights during the holiday seasons.
  - (2) No illuminated signs or outdoor illumination shall direct light in a way which could create a traffic hazard or a nuisance or an annoyance to passersby or be unreasonably detrimental to adjoining or neighborhood properties. All electrical components of illuminated signs – or other sign types that include electrical components, shall be designed, constructed and installed in accordance with the provisions of the applicable electrical code(s) and documentation of such shall

- be filed with the Code Enforcement Officer. The source of illumination shall be suitably shielded to eliminate direct rays or glare on adjoining property
- (3) No sign may utilize bare light sources, including fluorescent.
  - (4) Interior signs may be internally illuminated but may not utilize bare light sources.
- F. Projecting Signs shall not exceed 4 square feet in size; and may be erected or maintained such that the outer face of which may be more than nine (9") inches but less than thirty-six (36") inches from the front or face of a building. In no event may a sign overhang or project on to any public land or highway right-of-way, except as may be provided in this Article.
- G. Projecting Signs placed above the Public Right-of-Way. Projecting signs may overhang and/or project onto or over the public right-of-way provided that the sign meets the following criteria:
- (1) The bottom or lowest elevation of the sign projecting over the public right-of-way is equal to or greater than nine feet (9') above the grade of the public right-of-way directly beneath the projecting sign;
  - (2) The support structure for the projecting sign is designed and installed in a manner that ensures that the sign is secure and stable, to the satisfaction and written approval of the Village Code Enforcement Officer; and
  - (3) The owner of the projecting sign provides the Village of Union Springs Village Clerk with proof of property and liability insurance, with the Village named as an additional insured under the policy. As long as the proposed projecting sign is in place above the public right-of-way, such insurance policy must remain in place and in force. Legal counsel for the Village of Union Springs will review and approve the proposed insurance policy/rider as to content and amount prior to authorization to establish the projecting sign above the public right-of-way.
- H. Sandwich Boards. Sandwich Boards, as defined under "Temporary Signs" in Section 12-2A Definitions of the Article, shall be permitted under the sign ordinance subject to the following provisions:
- (1) Size: Sandwich Board shall be no more than thirty-six (36) inches wide by forty-two (42) inches high.
  - (2) Placement in Right-of-Way. Placement of Sandwich Boards within the right-of-way or on the Village sidewalks shall be placed such that they do not negatively impact the flow of pedestrian traffic within the right-of-way. The Village Code Enforcement Officer shall have the authority to determine if the sign impedes the pedestrian right-of-way and require that the sign be removed or relocated.
  - (3) Sandwich Board signs shall be permitted only in front of the businesses to which the sign is advertising goods or services.
  - (4) Sandwich Board signs are Temporary Signs and shall not be affixed permanently to the public right-of-way and are permitted to be placed within the right of way on a daily basis only during the operating hours of the business sponsoring the sign.

- I. No sign or part thereof shall contain or consist of banners (except as a Temporary Sign as defined in Section 12-2A above), bunting, posters, pennants, ribbons, streamers, spinners or similar attention-getting, spinning or fluttering devices.
- J. No sign shall consist of animated or moving parts.
- K. No sign shall be attached to a fence, public light standard, utility pole or tree or be painted upon or directly affixed to any rock, ledge or other natural feature, whether on public or private property.
- L. Window / door signs. A sign identifying the on-premises business or profession, within 12 inches of glass surface and/or painted or applied to the glass, will be considered part of the total sign area allowed.
- M. No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device
- N. Temporary signs may be displayed not earlier than three weeks before the event, service or project advertised and shall be removed within 24 hours after the conclusion of the event, service or project, sale of property or opening of the business signified.
- O. The following signs shall be prohibited within the Village of Union Springs:
  - (1) Revolving, moving, flashing, or blinking signs or signs that appear to be in motion except for a school or as where permitted under Section 12-2E(1) above.
  - (2) Roof signs and signs protruding above an extension of the upper roofline of the building to which the sign is attached.
  - (3) Outdoor advertising signs, also known as “Billboards”.
- P. Political signs are exempted from the regulations and restrictions of this article with the exception that such sign or signs shall be removed within five (5) days of the political event with which they are associated.
- Q. A flag, badge or insignia of a governmental organization, a private residence name or number sign, a "posted" sign (e.g. “No Trespassing”), a sign identifying a motor vehicle inspection or repair facility as required by the New York Vehicle and Traffic Law or a sign mandated by statute, law or governmental regulation is not subject to this article.
- R. A vehicle sign shall not be subject to this article so long as the vehicle remains principally in use upon public highways, including current registration, inspection and insurance. No person shall park any vehicle or trailer on any street which vehicle or trailer has attached thereto or located thereon any portable or temporary sign or advertising device intended primarily to provide advertisement of products or direction to any business or activity located on the same or any other premises. This restriction shall not apply to a vehicle which is licensed to provide transportation to the general public for remuneration such as a taxicab or bus.
- S. Any outdoor sign which advertises, identifies or pertains to a business no longer conducted or a product no longer sold on the premises where such sign is located shall be specifically prohibited in all districts. Such signs shall be removed within thirty (30) days following cessation of the relevant activity.
- T. Signs which advertise a branded product and which leave less than 80% of the sign face for identification of the business are prohibited, except where the majority of the floor or

lot area on the premises is devoted to the sale or other activity relating to that specific product.

- U. The regulations and restrictions of other chapters of the Law applicable to signs shall remain in effect, except that, in case of inconsistency with provisions of this Article, the more restrictive provisions shall apply.
- V. Sign(s) identifying the name of a residential development or subdivision shall be permitted and may be located on each major entrance to the subdivision. Such signs are subject to review and approval as to form and content by the Planning Board conducting the subdivision review.
- W. Signs temporarily identifying the name of a residential development or subdivision shall also be permitted on each major entrance to the area for not longer than one year from the date of the sale of the first lot. The sign face shall not exceed 24 square feet and such temporary signs are subject to review and approval as to form and content by the Planning Board conducting the subdivision review.
- X. The sign face of signs identifying a permitted home occupation shall not exceed two (2) square feet.
- Y. The sign face of signs incidental to places of worship, libraries, museums, social clubs and societies shall not exceed 20 square feet.

#### **12-4 BUSINESS SIGNS AND DIRECTIONAL SIGNS**

##### **A. Business Signs**

- (1) Permitted business signs may be illuminated.
- (2) The sign area of any business sign shall not exceed 80% of the total sign face, except that the name of a business may be affixed directly to a building face without any background other than the building face.
- (3) Only business signs as described in either Subsection A(3)(a) or (b) may be erected as follows, except as otherwise provided:
  - a. A sign or signs may be attached or applied to a building or portion thereof, identifying any legally established business or service conducted on the premises where the sign is located, its owner, trade names, trademark, products sold or the activity, which total sign face shall not exceed 1 ½ square feet per one (1) linear foot of building or business frontage, whichever is less. In no case shall the total sign face applied to one (1) building face exceed fifty (50) square feet.
  - b. A freestanding sign may be used if the total sign face does not exceed twelve (12) square feet and the sign is not more than ten (10) feet above ground level, which sign may identify any legally established business or service conducted on the premises where such sign is located, its own trademark, products sold or the business or activity. Any business maintaining a freestanding sign as permitted under this option may, in addition, obtain a permit for a sign to be applied or attached to the building face, which sign face shall not exceed ¾ square foot per linear feet of business or building frontage, whichever is less frontage. The total



sign face of a freestanding sign and a building face sign shall not exceed fifty (50) square feet (See Section 12-3, A, 7 Traffic Safety).

- (4) Shared common-entry businesses. If two (2) or more business occupants share a common door, the maximum sign face allowed per one building frontage shall be shared between them.
- (5) Face signs may be placed at any height but not higher than the building facade.
- (6) An interior sign identifying the on-premises business or profession which is located within twelve (12) inches of the exterior glass surface will be considered part of the total sign area allowed, which includes painted or applied to the glass.
- (7) Awnings shall be prohibited in the Historic Business District.

**B. Directional Signs and Outdoor Advertising Signs**

- (1) Directional signs, except industrial directional signs, may contain only the name of the business and the location from the sign's geographical position. The sign face for such signs shall not exceed four (4) square feet. Such signs may be illuminated in conformance with the requirements of this article.
- (2) Parking lot signs. One (1) sign, the sign face of which shall not exceed nine (9) square feet and, if freestanding, shall be not higher than six (6) feet above ground level, may be placed in a private off-street parking area only, to limit the use of such parking area to customers and/or business invitees of the occupant.

**12-5 APPLICATION FOR PERMIT**

**A. Application for a permit shall be made, in writing, upon the forms prescribed by the Village, and each such application shall meet the following standards and shall contain, at minimum, the following information:**

- (1) The name, address and telephone number of the applicant or of the owner of the sign, if different from the applicant.
- (2) The location and the name and address of the owner, if other than the applicant, of the building, structure or land to which or upon which the sign is to be erected.
- (3) A detailed drawing showing the construction details of the sign and showing the lettering and pictorial matter composing the sign, the position of lighting and extraneous devices and a location plan showing the position of the sign with reference to any building or structure and any private or public street or highway. The Village reserves the right to require that such drawing be prepared by a licensed surveyor or engineer.
- (4) Written consent of the owner of the building, structure or land at which the sign is to be erected, in the event that the applicant is not the owner thereof.
- (5) Appropriate proofs of compliance with the requirements of this article and all other chapters of the Law.

**B. Applications shall be submitted to the Code Enforcement Officer, who shall:**

- (1) Review the design, size and location of the proposed sign to determine whether the proposed sign is in violation of any of the regulations or restrictions set forth in this article or any other applicable chapter of this Law.
- (2) Grant approval, including any reasonable conditions, or reject the application for being incomplete or deny the application and provide reasons for the denial.
- (3) If the proposed sign does not comply with the regulations or provisions of this article, the Code Enforcement Officer shall deny the application. A decision of the Code Enforcement Officer may be appealed to the Board of Appeals. The Village Planning Board may submit an advisory opinion to the Code Enforcement Officer or, if on appeal, to the Board of Appeals.

#### **12-6 FEES**

- A. There shall be an application fee (nonrefundable) as determined by the Village Board in the adopted Fee Schedule.
- B. Such fees apply to all signs, even if shown on the original building plans, and are in addition to any other fees provided for by the Village.
- C. Fees and fee categories may be established and changed from time to time by resolution of the Village Board.
- D. Costs of engineering studies and related expenses required by the Village in connection with review of an application or for ascertaining compliance with this Article may be charged to the applicant or sign owner.

#### **12-7 ISSUANCE OF PERMIT**

- A. The Code Enforcement Officer shall issue a permit for a proposed sign upon payment of the proper fees, provided that the application, including drawings and related materials, is complete and complies with all provisions of this Article as determined by the Code Enforcement Officer or, following appeal, by the Board of Appeals. If the sign authorized by a permit has not been completed within six months from the date of the permit, the permit shall expire, except that such permit may be renewed once by written application submitted within 10 days of expiration accompanied by a renewal fee as determined by the Village Board in the adopted Fee Schedule.
- B. Permits issued are not personal rights but relate solely to the premises for which application is made. Permits may not be assigned to others and may not be transferred to premises other than that identified in the permit.

#### **12-8 REMOVAL OF SIGNS**

- A. The Code Enforcement Officer shall notify the owner of any sign which no longer serves the purpose for which the permit was granted or which is unsafe, insecure or is a menace to the public, or which is erected in violation of this Article or which is not maintained in accordance with this Article, in writing, to remove or correct the unsatisfactory condition of said sign within 20 days from the date of such notice.
- B. Upon failure to comply with such notice within the prescribed time, the Code Enforcement Officer is hereby authorized to secure, repair, remove or cause the removal of such sign. All costs of securing, repairing or removing such sign, including related

legal fees and expenses, shall be assessed against the land on which the sign is located and shall be levied and collected in the same manner as provided in the Village Law for the levy and collection of a special ad valorem levy.

- C. Emergency provisions. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless a sign is immediately repaired or secured or demolished and removed, the Village Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or securing or demolition of such unsafe sign. The expense of such repair or securing or demolition shall be a charge against the land on which the sign is located and shall be assessed, levied and collected as provided in Section 12-8, B of this article.

#### **12-9 REVOCATION OF PERMIT**

- A. The Code Enforcement Officer may revoke any sign permit in the event that there is any false statement or misrepresentation as to a material fact in the application upon which the permit was based or if the sign is not erected in accordance with the permit.

#### **12-10 PREEXISTING NON-CONFORMING SIGNS**

- A. A preexisting non-conforming sign may not be altered or enlarged so as to increase its non-conformity or add a different nonconformity.
- B. The Code Enforcement Officer shall have the authority to determine if any sign is a non-conforming sign and/or a preexisting non-conforming sign. If it is claimed that a sign is a preexisting non-conforming sign, the person making such claim shall have the burden of proof thereof.
- C. A Certificate of Non-conformance may be issued by the Code Enforcement Officer for a preexisting non-conforming sign or a non-conforming sign.
- D. Alteration or replacement; discontinuance.
- (1) Preexisting non-conforming signs may be repaired, repainted or refinished without a permit. A change in the name of the business or other message from that existing or as shown on the sign on the effective date of this article shall not be considered repair, repainting or refinishing, and compliance with the provisions of this article is required.
- (2) Discontinuance. Any preexisting non-conforming sign to which Subsection D(1) above applies, which is removed from the position it occupied on the effective date of this article and not restored to such position within 30 days shall be presumed to be abandoned and discontinued and may not be restored except in compliance with this article.

#### **12-11 APPLICABILITY**

- A. This Article is applicable within the Village of Union Springs.

#### **12-12 PENALTIES FOR OFFENSES**

- A. Any person who violates any provision of this Article shall be guilty of an offense against this article and shall be subject to a fine of not more than \$250. The Village of Union Springs Village Board shall establish and maintain in effect a schedule of fines in compliance with this Article. The imposition of penalties for any violation of this Article

shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this Article shall not preclude the enforced removal of conditions prohibited by this Article. The expense of the Village in enforcing such removal, including legal fees, may be chargeable, in addition to the afore-stated civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

#### **12-13 NOTICE**

- A. A notice to an applicant or to a sign owner pursuant to this Article shall be sufficient if mailed postage paid to the applicant at the address stated in the application, as may be changed from time to time by the applicant by written notice received by the Code Enforcement Officer, or to the address of the owner of the property at which the sign is located as shown on the records of the Village Assessor.

## **ARTICLE XIII**

### **REGULATION OF TELECOMMUNICATION FACILITIES**

#### **13-1 INTENT**

- A. The purpose and intent of this Article is to set forth the Village of Union Springs statutory requirements regarding the establishment, siting, operation and decommissioning of Telecommunication Facilities in order to protect the public health, safety and welfare of the residents of Union Springs, facilitate access to telecommunications services and broadband connectivity, and protect and promote the visual and aesthetic character of our lakefront village.

#### **13-2 REGULATION OF TELECOMMUNICATION FACILITIES & CELL TOWERS**

- A. All telecommunications facility applications, whether for new or modified facilities, are subject to Special Use Permit review. (See Article VIII – Special Use Permits). Each application for a proposed facility shall be accompanied by a State Environmental Quality Review (SEQR) and a Long Environmental Assessment Form (EAF Long Form) including the completion of a Visual Assessment under SEQRA.

- (1) No application will be considered for either new facilities or modified facilities unless the telecommunication facility meets the following criteria:
  - a. Is necessary to meet current or reasonable expected demands for services.
  - b. Conformance with all federal and state laws and all applicable rules or regulations promulgated by the Federal Communications Commission (the FCC), Federal Aviation Commission (the FAA), or any other federal agencies having jurisdiction.
  - c. Applicant is considered a public utility in the State of New York.
  - d. Is sited, designed and constructed in a manner that minimizes visual impact to the extent practical and mitigates adverse impacts upon migratory birds and other wildlife.
  - e. Complies with all other requirements of this Law, unless expressly superseded here in.
  - f. Is the most appropriate site among those available within the technically feasible area for the location of a telecommunication facility.
  - g. When including the construction of a tower, such tower is designed to accommodate future shared use by at least two (2) other telecommunication service providers. Any subsequent locations of telecommunication equipment by other service providers on towers specifically designated for shared use shall not require a new or modified Special Use Permit if there would be no increase in the height of the tower. However, any additional equipment will require a Special Use Permit review.
- (2) The shared use of existing telecommunications facilities or other structures shall be preferred to the construction of new facilities. Any application, renewal or

modification thereof shall include proof that reasonable efforts have been made to co-locate within an existing structure. The application shall include an adequate inventory report specifying existing telecommunications facility sites. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.

- a. The applicant must demonstrate that the proposed telecommunications facility cannot be accommodated on existing telecommunications facility sites in the inventory due to one (1) or more of the following reasons:
  - i. The planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or their structure, considering existing and reasonable anticipated future use for those facilities and structures.
  - ii. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
  - iii. Existing or approved telecommunications facilities or other structures do not have space and cannot be modified to provide space on which proposed equipment can be placed so it can function effectively and reasonably.
  - iv. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities and structures.
  - v. The owner of the existing telecommunications facility or other structure refused to allow such co-location.
- b. Dimensional Standards:
  - i. A fall zone around any tower constructed as part of a telecommunications facility must have a radius at least equal to the height of the tower and any attached antennas. The entire fall zone may not include public roads and must be located on the property either owned or leased by the applicant or for which the application has obtained an easement, and may not, except as set forth below, contain any structure other than those associated with the telecommunications facility.
  - ii. All telecommunications facilities shall comply with the setback, frontage, minimum lot size, requirements of Article VI. To the extent there is a conflict, the more restrictive provision shall govern. The size of the leased or owned lot shall be, at a minimum, sufficiently large to include the entire fall zone.
  - iii. The front, side, and rear yard requirements in which a telecommunications facility is erected shall apply not only to the tower, but also to all tower parts including guy wires and anchors and to any accessory buildings.
- c. Lighting and Marking Requirements: Towers shall not be artificially lighted and marked beyond the requirements of the FAA. An applicant

may be permitted to add FAA-style lighting and marking, even if not required by FAA, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety and would not unduly adversely affect residents of any surrounding property

d. Appearance and Buffering:

- i. The use of any portion of a telecommunication facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons are prohibited.
- ii. The facility shall have the least practical visual effect on the environment as possible as determined by the Planning Board. Any tower that is not subject to FAA marking as set forth above shall otherwise:
  - a. Have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Planning Board, or be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the facility to perform its designed function.
  - b. Accessory structures shall maximize the use of buildings materials, colors, and textures designed to blend in with normal surroundings.
  - c. Equipment or vehicles not used in direct support, renovations, additions or repair of any telecommunication facility shall not be stored or parked on the facility site.
  - d. Existing on-site vegetation shall be preserved to the maximum extent possible. Clear-cutting of all trees in a single continuous area exceeding ten thousand (10,000) square feet shall be prohibited.
  - e. Screening: Deciduous or evergreen tree planting shall be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public or private property, including streets, at least one row of native evergreen shrubs or trees forming a continuous hedge at least ten (10) feet in height at the time of planting to effectively screen the tower base and accessory facilities shall be provided. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include height of berm.

e. Access and Parking

- i. Access ways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for Telecommunication Facilities must be at least twenty (20), but no more than sixty (60) feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- ii. Parking areas shall be sufficient to accommodate the usual number of service vehicles expected on the premises at any one time. Space off of public highways shall be provided (not necessarily in parking areas) to accommodate the greatest number of service vehicles expected on the premises, at any one time.
- iii. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out into a public thoroughfare.

f. Security

- i. Towers, anchor points of guyed towers, and accessory structures shall be each surrounded by fencing at eight (8) feet in height, the top foot of which may, at the discretion of the Planning Board in the deference to the character of the neighborhood, be comprised of the three-strands of barbed wire to discourage unauthorized access to the site. The Planning Board may waive the requirement of fencing if, in its discretion, it determines that other forms of security are adequate, or that, by reason of location or occupancy, security will not be significantly compromised by the omission, or reduction in size, of the otherwise required fencing.
- ii. Motion-activated or staff-activated security fencing lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeters has been entered.
- iii. There shall be no permanent climbing pegs within fifteen (15) feet of the ground of any tower.
- iv. A locked gate at the junctions of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude in to the public right-of-way.
- v. There shall be a security alarm system, which is linked to either a local caretaker, or a local police agency.

g. Engineering and Maintenance

- i. All plans for Telecommunications Facilities must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards, including but not limited to the most



recent, applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

- ii. Every Facility shall be inspected at least every fifth year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Planning Board and Building Code Enforcement Officer. Any unsafe condition revealed by such report shall be corrected within ten days of notification of same to the record of the landowner on which the facility is constructed. The time period for correction may, on application of the landowner or the owner of the facility, be extended by the Zoning Board of Appeals if it is impracticable to complete the correction within said ten (10) days and if there is no imminent danger to life, limb or other person's property. If the unsafe condition is not corrected within the applicable time period, or if the required inspection is not provided to the Village, the special approval for construction of the facility may, after a hearing by the Zoning Board of Appeals on at least ten (10) days prior notice to the landowner of record given by certified mail, return receipt requested, or other equally effective manner of providing notice, be revoked by such Board. Revocation may occur only if the Board finds either that the required inspection has not been provided or that there is an unsafe condition that poses a risk to bodily injury or significant property damage. Upon such revocation, the facility shall be removed or dismantled to the point of removing all unsafe conditions.
  - iii. A safety analysis by a qualified professional must accompany any Special Permit or Special Permit application, renewal thereof or modification, for the purpose of certifying that general public electromagnetic exposure does not exceed standards set by the FCC or any permit granted by the FCC.
  - iv. The municipality, at the expense of the applicant, may employ its own consulting assistance to examine the application and related documentation and make recommendations as to whether the criteria for granting the special approval have been met, including whether the applicant's conclusions regarding need, co-location, safety analysis, visual analysis, and structural inspection, are valid and supported by generally accepted and reliable engineering and technical data and standards.
- h. Removal
- i. At the time of submittal of the application for a Special Use Permit approval for a telecommunication facility, the applicant shall submit an agreement to remove, within ninety (90) days, all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a

telecommunications facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than six (6) consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed lands.

- ii. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the telecommunications facility and property restoration, with the Village of Union Springs as the assignee, in an amount approved by the Planning Board, but not less than forty thousand dollars (\$40,000).
  - a. Notwithstanding the above requirement for providing a financial security bond, municipal governments within Cayuga County, including the County of Cayuga, shall be exempted from the provision of providing such a bond for the removal of the telecommunications facility for which they are the applicant and owner. Such Cayuga County municipalities shall, however, be required to submit and execute an agreement with the Village of Union Springs detailed in Section 13-2, A, (2), h, i, above.
- iii. At times of modification or removal of the Special Use Permit approval, the Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the telecommunications facility and property restoration.

## **ARTICLE XIV SMALL WIND ENERGY SYSTEMS**

### **14-1 PURPOSE AND INTENT**

- A. The Purpose and Intent in establishing regulations permitting the establishment of Small Wind Energy Systems in the Village of Union Springs is:
- (1) To allow small scale residential or commercial wind systems within the Village of Union Springs;
  - (2) To oversee the permitting and placement of small wind energy systems within the Village so that public health and safety are not jeopardized; and
  - (3) To allow siting criteria and other requirements define the ability to locate and approve by Special Use Permit.
- B. Findings. The Village of Union Springs finds and declares that wind energy is an abundant, renewable and nonpolluting energy resource within the Village and that its conversion to electricity will reduce our dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources. The Village of Union Springs further finds and declares that:
- (1) Wind turbines that convert wind energy to electricity are currently available on a commercial and residential basis from many manufacturers.
  - (2) The generation of electricity from properly sited wind turbines can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users.
  - (3) Regulation of the siting and installation of wind energy systems is necessary for the purpose of protecting the health and safety of neighboring property owners and the general public.
- C. Definitions.
- (1) Meteorological Tower (met tower): is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
  - (2) Over-speed Control: A mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy Conversion System (WECS).
  - (3) Swept Area: is the largest area of the WECS that extracts energy from the wind stream. In a conventional propeller-type WECS, there is a direct relationship between swept area and the rotor diameter.
  - (4) Total Height: is the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
  - (5) Tower: means the monopole, freestanding, or guyed structure that supports a wind generator.

- (6) Wind Energy Conversion System (WECS): is the equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
  - (7) Wind Energy Cluster: is defined as a facility of one or more wind turbines at which wind is converted to another form of energy and distributed to a customer or customers.
- D. Authorization: Installation of wind energy conversion systems shall require the granting of a Special Use Permit in accordance with the Zoning Law of Union Springs - Article VIII.
- E. Building Permits: A building permit issued by the Village of Union Springs Code Enforcement Officer shall be required for the installation of a small wind energy system and the application for a building permit shall include, but not be limited to, the following:
  - (1) Documents: Building permit applications for a wind energy conversion system shall be accompanied by a Site Plan drawn in sufficient detail to clearly describe the following:
    - a. Property lines and physical dimensions of the site;
    - b. Location, dimensions, and types of existing major structures on the site;
    - c. Location and elevation of the proposed WECS;
    - d. The right-of-way of any public road that is contiguous with the property;
    - e. Location and overhead utility lines on site or within one radius of the total height of the WECS;
    - f. Location and size of structures and trees taller than 35 feet within a five-hundred-foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.
    - g. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed); and
    - h. Tower and foundation blueprints or drawings
- F. General Permissions.
  - (1) Size. WECS shall be limited to small scale wind energy systems defined as:
    - a. a nameplate capacity of 100 kilowatts or less; and
    - b. a total height of two-hundred (200) feet or less.
  - (2) Compliance with Uniform Building Code:
    - a. Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system, including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a New York State

registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

- b. Where the structural components or installation vary from the standard design or specification, the proposed modifications shall be certified by a New York State registered professional engineer for compliance with the seismic and structural design provisions of the New York State Uniform Fire Prevention and Building Code.
- (3) Compliance with National Electrical Code:
- a. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind conversion system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (NEC). The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the NEC. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
  - b. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the NEC and good engineering practices
- (4) Rotor safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a New York State registered professional engineer certifying that the rotor and over-speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. This certification would normally be supplied by the manufacturer and include the distance and trajectory of the thrown blade from an exploding turbine or propeller according to the Loss of Blade Theory.
- (5) Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:
- a. any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
  - b. any permanent structures;
  - c. any overhead utility lines, unless written permission is granted by the affected utility;
  - d. any property lines, unless written permission is granted from the affected land owner or neighbor; and

- e. within wind energy clusters, the distance between WECS shall be three times the length of the longest blade.
- (6) Tower access. Towers should have either:
  - a. tower-climbing apparatus located no closer than 12 feet from the ground;
  - b. a locked anti-climb device installed on the tower; or
  - c. the tower shall be completely enclosed with a door that can be locked, or
  - d. be completely free of any climbing apparatus.
  - e. If the above protective devices are absent then the tower will be protected by a fence at least six feet high.
- (7) Signs. All ground mounted electrical and control equipment shall be labeled. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.
- (8) Noise. The WECS shall meet the requirements of any existing noise ordinance of the Village of Union Springs.
- (9) Electromagnetic interference. The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to a Code Enforcement Officer that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.
- (10) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved differently in the building permit.
- (11) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- (12) Height. Maximum height of the WECS shall be 35 feet in the Waterfront Commercial (WC) Zoning District and 200 feet in all other Zoning Districts.
- (13) Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- (14) Abatement. If a wind energy conversion system or systems are not maintained in operational condition for a period of one (1) year and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The Village of Union Springs reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the Village determines that the WECS has been abandoned and poses a safety hazard, the system shall be removed within 45 days of written notice to the owner or operator of the system. If the owner provides information that demonstrates the small wind energy system has not been abandoned, the notice of abandonment shall be withdrawn. If the owner fails to remove the wind generator from the tower, the Village may pursue a legal action to have the wind generator removed at the Owner's expense.

- (15) Liability insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. Said policy shall provide a minimum liability limit of \$1 Million property and personal liability coverage for commercial wind systems and a \$500,000 liability limit for residential wind systems.
- (16) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (17) SEQR review must be completed prior to approval of a Special Use Permit.
- (18) All power transmission lines from WECS to any building or other structure shall be located underground.
- (19) No television, radio or other communication antenna may be affixed or otherwise made a part of a WECS.

## **ARTICLE XV**

### **SITE PLAN REVIEW AND APPROVAL**

#### **15-1 INTENT**

- A. The purpose of Site Plan Review is to implement the recommendations of the Comprehensive Plan. Specifically, Site Plan Review is intended to determine compliance with the objectives of this Law where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating conditions which could adversely affect the public health, safety or general welfare.

#### **15-2 APPLICABILITY**

- A. Prior to the issuance of a Building Permit, Special Use Permit, Use Variance or other discretionary approval required from the Village Board or Zoning Board of Appeals for construction, alteration or change of use in any district (except for a single-family or two-family dwelling and related accessory uses, or a non-intensive agricultural operation permitted by right) the Zoning Officer shall require the preparation of a Site Plan. The Zoning Officer shall refer the site plan to the Planning Board for its review and approval in accordance with the standards and procedures set forth in this Article.

#### **15-3 SKETCH PLAN CONFERENCE**

- A. Sketch Plan Conference Required. All applicants for Site Plan Review shall meet with the Village Code Enforcement Officer and the Planning Board Chair and/or Chair's Designee(s) to conduct a Sketch Plan Review, the purpose of which is to review the basic site design concept and determine the information to be required on the preliminary site plan. The purpose of the sketch plan conference is to discuss with the applicant the project's conformity with the Union Springs Comprehensive Plan, and to advise the applicant of other issues or concerns. The sketch plan conference provides an opportunity to indicate whether the proposal, in its major features, is acceptable or whether it should be modified before expenditures for more detail plans are made.
- B. Required Data. Information to be included on the sketch plan is as follows:
- (1) An area map showing the parcel under consideration for Site Plan Review and all parcels, structures, subdivisions, streets, driveways, easements and permanent open space within 200 feet of the boundaries thereof or at the discretion of the Zoning Officer.
  - (2) A map of site topography at no more than five-foot contour intervals or at the discretion of the Zoning Officer shall be provided. If general site grades exceed 5% or if portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and topographic map showing contour intervals of not more than two feet of elevation should also be provided.
  - (3) General identification of all existing natural features and utilities on the site and in the area.
  - (4) The location of all existing and proposed structures on the site and designated uses for each.



- (5) Identification of existing zoning classification(s) of the property and all adjacent properties and any restrictions on land use of the site

#### **15-4 PRELIMINARY SITE PLAN APPLICATION**

- A. Application for preliminary site plan approval. An application for preliminary site plan approval shall be made in writing to the Zoning Officer and shall be accompanied by information drawn from the following checklist, as determined necessary by the Village Code Enforcement Officer and the Planning Board Chair and/or Chair's Designee(s) at the sketch plan conference. All site plan information and building designs shall be prepared by a licensed New York State architect, engineer, surveyor or landscape architect.
- B. Preliminary site plan checklist. It is important for the Planning Board to have appropriate information tailored to the plan for site development. To accomplish this, a preliminary sketch plan review is conducted to determine those items from the comprehensive list below which will be required for site plan approval. Additional design standards and directions regarding the items to be shown on specific plan sheets may be found in the administrative checklist available from the Zoning Officer. The preliminary site plan may include:
  - (1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
  - (2) North arrow, graphic scale and date.
  - (3) Boundaries of the property, plotted to scale.
  - (4) The location of existing property lines, easements, structures, subdivisions, streets, driveways, permanent open space and natural features (subject to other state or federal regulations which may restrict development) within 200 feet of the proposed site or at the discretion of the Village Board.
  - (5) Grading and drainage plan, showing existing and proposed contours. The drainage plan shall also clearly explain the methodology used to project storm water quantities and the resultant peak flow conditions.
  - (6) Location, proposed use, hours of operation and height of all buildings. Summary of the amount of square footage devoted to each use requiring off-street parking or loading.
  - (7) Number, location, design and construction materials of all parking and loading areas, showing access and egress. Location of reserved parking areas as required by the off-street parking regulations of Article XI, Section 11-1A.
  - (8) Provision for pedestrian access.
  - (9) Size, type, location and screening of all facilities used for recycling and disposal of solid waste.
  - (10) Location, dimensions and vehicle capacity of drive-in facilities and related queuing lanes.
  - (11) Building elevation(s) showing building massing, window and door spacing and treatments and other architectural features; and indication of building materials suitable to evaluate architectural compatibility.

- (12) Location, purpose and holder of all proposed easements or dedications for utilities, recreation, conservation or other purpose.
- (13) Location, size, screening and type of material for any proposed outdoor storage.
- (14) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- (15) Description of the type and quantity of sewage expected; the method of sewage disposal and the location, design and construction materials of such facilities.
- (16) Description of the type and quantity of water supply needed; the method of securing water supply, and the location, design and construction materials of such facilities.
- (17) Location of fire and other emergency zones, including the location of fire hydrants.
- (18) Location, design and construction material of all energy-distribution facilities, including electrical, gas, wind power, solar energy and other public utility facilities, such as cable or phone service.
- (19) Location, size, design and construction materials of all proposed signs.
- (20) Location of proposed buffer areas, including existing vegetative cover.
- (21) Location, type, height, brightness and control of outdoor lighting facilities.
- (22) Size, location and use of recreation areas for multifamily dwellings.
- (23) Identification of permanent open space or other amenities provided in conjunction with cluster or incentive zoning provisions.
- (24) A table summarizing each building footprint, total size in square feet and number of stories; the number of dwelling units and the amount of square feet devoted to each use type; size, in square feet or acres, of access, parking and circulation areas and the number of loading, queuing and parking spaces; size in square feet of landscaped and natural open space; and size in square feet and text of all signs.
- (25) A landscaping plan and planting schedule in accordance with Article X.
- (26) Other elements integral to the proposed development as considered necessary by the Planning Board, to include showing railroads or any other type of transportation facilities not specified.
- (27) All forms and information pursuant to New York State Environmental Quality Review Act (SEQRA).
- (28) An agricultural data statement if the proposed use is located on or within 500 feet of a farm operation in a Cayuga County agricultural district.
- (29) For all developments disturbing more than one acre, New York State Department of Environmental Conservation (NYSDEC) requires that Municipalities receive a copy of the Storm Water Pollution Prevention Plan (SWPPP) prior to plan approval. The owner is required to comply with the NYSDEC's "SPEDES General Permit for Storm Water Discharge from Construction Activity" Permit #G-P-02-01 (or as may be revised).

C. Required fee.

- (1) The fee schedule will be established by the Village Board and said fee shall be paid when the application is made.

**15-5 PLANNING BOARD REVIEW OF PRELIMINARY SITE PLAN**

A. The Planning Board shall review all preliminary site plans. The Planning Board's review shall include, as appropriate, but is not limited to, general consideration of the following:

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls for parking, loading and drive-in facilities.
- (2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. In general sidewalks shall be required along all dedicated roads on lots within 1,000 feet of a school, park or residential concentration.
- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) Location, arrangement, size, design and general architectural and site compatibility of buildings, lighting, signs and landscaping.
- (5) Adequacy of storm water calculation methodology and storm water and drainage facilities to eliminate off-site runoff and maintain water quality.
- (6) Adequacy of water supply and sewage disposal facilities.
- (7) Size, location, arrangement and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide wildlife corridors and habitats, to provide suitable screening and buffering; and to provide required recreation areas.
- (8) Suitability of proposed hours of operation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other similar nuisances.
- (10) Adequacy of community services, including fire, ambulance and police protection, and on-site provisions for emergency services, including fire lanes and other emergency zones, fire hydrants and water pressure.
- (11) Adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television and phone service. In general, all such utility distribution facilities shall be required to be located underground.
- (12) Making provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof.
- (13) Conformance with the Union Springs Comprehensive Plan and other planning studies.
- (14) Conformance with density, lot size, height, yard and lot coverage and all other requirements of district regulations.

- B. Applicant to attend Planning Board meeting.
  - (1) Applicant and/or duly authorized representative shall attend the meeting of the Planning Board where the plat is reviewed.
- C. Consultant review. The Planning Board may consult with the Village Board, Zoning Officer, Fire Commissioners and other appropriate local and county officials and departments and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.
- D. Public hearing. The Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within sixty-two (62) days of the receipt of the application for preliminary site plan approval and shall be advertised in a newspaper of general circulation in the Village of Union Springs at least ten (10), but not more than thirty (30) days before the public hearing.

#### **15-6 PLANNING BOARD ACTION ON PRELIMINARY SITE PLAN**

- A. Within sixty-two (62) days after Public Hearing or within sixty-two (62) days after the complete application was filed if no Public Hearing was held, the Planning Board shall act on the application for preliminary site plan approval. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved or approved with modifications.
- B. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

#### **15-7 FINAL SITE PLAN APPROVAL PROCEDURE**

- A. After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board for approval. If more than six months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. The Planning Board may also require a new public hearing. The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Planning Board in its preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.
- B. The following additional information shall accompany an application for final site plan approval:
  - (1) Record of application for and approval status of all necessary permits from local, state and county officials.

- (2) An estimated project construction schedule.
  - (3) A legal description of all areas proposed for municipal dedication.
  - (4) A conservation easement or other recordable instrument executed by the owner for any permanent open spaces created and whether such open space is the result of Site Plan Review, clustering or incentive zoning provisions.
- C. If no building permit is issued within one calendar year from the date of final site plan approval, the final site plan approval shall become null and void.

#### **15-8 REFERRAL TO COUNTY PLANNING BOARD**

- A. Prior to taking action on the final site development plan, the Village Board shall refer the plan to the County Planning Board for advisory review and a report in accordance with Section 239-m of the New York State General Municipal Law.

#### **15-9 PLANNING BOARD ACTION ON FINAL SITE PLAN**

- A. Within sixty-two (62) days of receipt of the application for final site plan approval, the Planning Board shall notify the Zoning Officer, in writing, of its decision. The Planning Board shall file its decision with the Village Clerk within business five days of the final Planning Board decision.
- B. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due and letter of credit if required, the Planning Board shall endorse its approval on a copy of the final site plan. A copy of the approved final site plan shall be filed with the Zoning Officer and a copy shall be provided to the applicant.
- C. Upon disapproval of a final site plan, the Planning Board shall so inform the Zoning Officer, and the Zoning Officer shall deny a building permit to the applicant. Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. The Planning Board shall file its decision with the Village Clerk within five business days of the final Planning Board decision.

#### **15-10 REIMBURSABLE COSTS**

- A. Costs incurred by the Planning Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan or inspection of required improvements shall be charged to the applicant. Estimated review fees shall be deposited into an escrow account when making application for preliminary site plan approval.

#### **15-11 LETTER OF CREDIT**

- A. No Certificate of Occupancy shall be issued until all improvements shown on the site plan are installed or an irrevocable letter of credit has been posted for improvements not yet completed. The letter of credit shall be approved as to form by the Village Attorney and as to amount by the Village Engineer. The member of the Planning Board designated to sign site plans shall not sign until a letter of credit, if required, has been received by the Zoning Officer and approved by the Village Board.

#### **15-12 INSPECTION OF IMPROVEMENTS**

- A. The Zoning Officer shall be responsible for the overall inspection of site improvements. The applicant shall be responsible for advance notice for inspection coordination with

officials and agencies, as appropriate. The Zoning Officer may retain the services of a qualified private consultant to assist with inspection of site improvement.

#### **15-13 INTEGRATION OF PROCEDURES**

- A. Whenever the particular circumstances of a proposed development require compliance with either the Special Use Permit procedure pursuant to Article VIII, Section 8-1 of this Law, or the requirements for the Subdivision of Land in Article XVI, 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 XVI**

### **SUBDIVISION REGULATIONS**

#### **16-1 AUTHORITY FOR PLAT APPROVAL; COMPLIANCE WITH POLICY**

- A. By the authority of the New York State Village Law, Article 7, §7-728 and the resolution of the respective Village Board of the Village of Union Springs, the Planning Board of the Village is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary plats within the code enforcement of the Village of Union Springs.
- B. It is the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Village of Union Springs. This means, among other things that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements.
- C. All proposed lots shall be laid out and of such a size so as to be in harmony with the development pattern of neighboring properties, so that the proposed streets shall compose a convenient system conforming to the Official Map of the Village of Union Springs, and shall be properly related to the proposals shown on the Comprehensive Plan; and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and so that proper provision shall be made for open spaces for parks and playgrounds or for natural resource protection.
- D. In order that land subdivisions may be made in accordance with this policy, these regulations shall be known as the “Village of Union Springs Subdivision Regulations.” Failure to notify the Code Enforcement Officer of any conveyance by subdivision shall be a violation of this law and will be enforced by both civil action and financial penalties inclusive of injunctive relief to the effect of terminating such conveyances.

#### **16-2 APPLICABILITY AND LEGAL EFFECTS**

- A. Applicability of These Regulations
  - (1) Any division of a lot into two (2) or more lots, whether new streets, public facilities, or municipal utility extensions are involved or not.
  - (2) Any other land transaction which requires filing of a plat with the Cayuga County Clerk.
  - (3) Note: Consolidation of lots for tax purposes as initiated by land owners and approved by the Cayuga County Assessor shall not be considered a Subdivision but shall be registered with the Code Enforcement Officer.
- B. Legal Effect: Land-Use Regulations
  - (1) Whenever any subdivision of land is proposed to be made, and before any site modifications are made, and before any permit for the erection of a structure in such proposed subdivision is granted, the sub-divider or a duly authorized agent

must apply for in writing and receive approval of the proposed subdivision in accordance with these regulations.

C. Legal Effect: Filing Plats with County Clerk

- (1) Before any plat or licensed survey map of land in the Village of Union Springs is filed with the County Clerk, the plat or licensed survey map must be approved by the Code Enforcement Officer or the Planning Board, as applicable, in accordance with the procedures of this law and the New York State Village Law, Article 7, §7-728.

D. Plat Void if Revised After Approval

- (1) No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat or licensed survey map after approval has been given by the Code Enforcement Officer or Planning Board and endorsed in writing on the plat or licensed survey map, unless the plat or licensed survey map is first resubmitted to the Planning Board and the Board approves any modifications.
- (2) In the event that any such Subdivision Plat or licensed survey map is recorded without complying with this requirement, it shall be considered null and void, and the Code Enforcement Officer may institute proceedings to have the plat or licensed survey map stricken from the records of the County Clerk.

### **16-3 TYPES OF SUBDIVISIONS AND PROCEDURES**

- A. These regulations recognize three (3) types of subdivisions, which are subject to three (3) different review and approval procedures:
- (1) Simple Subdivision: Requires the review of the Code Enforcement Officer.
  - (2) Minor Subdivision: Review includes two required submissions by sub-divider and may include a public hearing if considered desirable by the Planning Board.
  - (3) Major Subdivision: Review includes three required submissions by sub-divider and at least one (1) public hearing by the Planning Board.

### **16-4 COORDINATION WITH COUNTY HEALTH DEPARTMENT**

- A. The provisions of the Cayuga County Sanitary Code are in addition to these Land Subdivision Regulations.

### **16-5 PLANNING BOARD USE OF CONSULTANTS AND SERVICES OF COUNTY AND REGIONAL PLANNING STAFF**

- A. The Planning Board may choose at any point in a subdivision review process to request consultants or refer to county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters. The cost, if any, shall be borne by the applicant.

### **16-6 PLAT REVIEW OF UNCOMPLETED SUBDIVISIONS**

- A. The Planning Board may, on direction of the Village Board, review, for the purposes of revision or granting an exemption, any plat within the Village municipal boundaries, already on file with the County Clerk as authorized under the New York State Village Law, Article 7, §7-728.



## **16-7 DEFINITIONS**

A. As used in this chapter, the following terms shall have the meanings indicated:

- (1) Collector Street: A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.
- (2) Dead-End Street or Cul-de-sac: A street or portion of a street with only one vehicular traffic outlet.
- (3) Drainage Right-of-Way: The lands required for the installation of storm water sewers or drainage ditches or field tiles are required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.
- (4) Engineer or Licensed Professional Engineer: A person licensed as a professional engineer by the State of New York.
- (5) Major Street: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (6) Major Subdivision: Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots or any sized subdivision requiring a new street or extension of municipal facilities.
- (7) Minor Street: A street intended to serve primary access to abutting properties.
- (8) Minor Subdivision: Any subdivision which contains not more than four (4) lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan and Official Zoning Map of the Village of Union Springs, or these regulations.
- (9) Preliminary Plat: A drawing or drawings, clearly marked ‘preliminary plat,’ showing the significant features of a proposed subdivision, as specified in Section 15-13, B of this article, submitted to the Planning Board for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.
- (10) Re-Subdivision: Revision of all or part of an existing filed plat.
- (11) Simple Subdivision: Any Subdivision not classified as Major or Minor where no new lots are created but where lot lines are rearranged.
- (12) Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
- (13) Street Width: The width of the right-of-way, measured at right angles to the centerline of the street.
- (14) Subdivider: Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either personally or on behalf of ownership, lessee or building development, and shall include re-subdivision.

- (15) Subdivision: The legal division of any tract of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, and shall include re-subdivision.
- (16) Subdivision Plat or Final Plat: A drawing, in final form, showing a proposed subdivision, containing all information or details required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.
- (17) Surveyor: A person licensed as a land surveyor by the State of New York.
- (18) Undeveloped Plats: Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.
- (19) Village Engineer: The designated engineer of the Code Enforcement Officer of Union Springs or a position assigned with similar duties.

## **16-8 APPLICABILITY**

- A. Whenever any subdivision or re-subdivision of land is proposed and before any contract for the sale of, or any offer to sell any lots in such subdivision, or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the sub-divider or a duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.

## **16-9 SUBDIVISION PROCEDURES**

- A. Classification of Subdivision. The first stage of subdivision is classification. Classification requires that an applicant submit a Sketch Plat of the proposed subdivision to the Code Enforcement Officer that provides sufficient detail for the Code Enforcement Officer to classify the action as to the type of review required. The Code Enforcement Officer shall confer with the Chair of the Planning Board for comments and general recommendations as to any adjustment needed to satisfy the objectives of these regulations. The Sketch Plat initially submitted to the Code Enforcement Officer shall be based on tax map information or on some other similarly accurate base map at a scale (preferably not less than 1:2,400) that enables the entire tract to be shown on one sheet. A submitted Sketch Plat shall show the following information:
  - (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
  - (2) All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof.
  - (3) If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
  - (4) The names of the owner and of all adjoining property owners as disclosed by the current tax roll.
  - (5) The tax map, block and lot numbers of all lots shown on the plat.

- (6) All the utilities available and all streets as they appear on the Official Map.
- (7) The proposed pattern of lots (with dimensions), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
- (8) All existing restrictions on the use of land, including easements, covenants and zoning district boundary lines.
- (9) Minor and Major Subdivisions may require additional information as specified in this document.

#### **16-10 SIMPLE SUBDIVISION REVIEW PROCEDURE**

- A. Upon determination by the Code Enforcement Officer that a proposed subdivision is to be treated as a Simple Subdivision, the Code Enforcement Officer shall act to approve; conditionally approve with modifications; disapprove; or grant final approval. In any event, final approval cannot be granted until an official survey map prepared by a surveyor licensed by New York State has been presented to the Code Enforcement Officer and such map indicates that all of the requirements of the Village of Union Springs Zoning Law have been satisfied. Final approval of the Simple Subdivision by the Code Enforcement Officer shall be indicated by this officer's signature and date on the final survey map.

#### **16-11 INITIATION OF A MINOR OR MAJOR SUBDIVISION REVIEW**

- A. Request for Planning Board Review. When the Code Enforcement Officer determines that a subdivision requires Planning Board review, the Code Enforcement Officer shall notify the Chair of the Planning Board of the pending action. To initiate a Planning Board review and approval process of any minor or major subdivision or re-subdivision, the owner/sub-divider of the land involved must submit to the Code Enforcement Officer, at least ten (10) days prior to the regular meeting of the Planning Board, the following:
  - (1) A written request to approve the proposed subdivision, including any information the owner considers pertinent, and
  - (2) Nine (9) copies as required of a Sketch Plat of the proposed subdivision (reference Article XVI, Section 16-9 hereof), for the purpose of preliminary discussion by the Planning Board
- B. Sub-divider to Attend Planning Board Meeting on Sketch Plat. The owner/sub-divider, or an authorized representative, shall attend the meeting of the Planning Board at which the Sketch Plat is presented to discuss the requirements of these regulations for road improvements, drainage, sewerage, water supply, fire protection, any applicable storm-water management and similar aspects, as well as the availability of existing services and other pertinent information.
- C. Determination on Sketch Plat. The Planning Board shall determine whether the Sketch Plat meets the requirements of Section 16-12, B or Section 16-13, B of this Article and may, if the Sketch Plat is insufficiently complete, reject the application with reasons given in writing. It may also make specific recommendations in writing to be incorporated by the applicant in any subsequent submission to the Planning Board.

## **16-12 MINOR SUBDIVISION REVIEW PROCEDURE**

- A. Application and Fee. Within 6 (six) months after classification of a Sketch Plat as a Minor Subdivision by the Code Enforcement Officer, the sub-divider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plat to the Code Enforcement Officer for reclassification. The Subdivision Plat shall conform to the layout shown on the Sketch Plat as well as incorporate any recommendations made by the Planning Board. The application shall also conform to the requirements listed in Section 16-12, B. At least nine (9) copies of the Subdivision Plat shall be presented to the Code Enforcement Officer at the time of submission of the Subdivision Plat. All applications for plat approval for Minor Subdivisions shall be accompanied by a fee established by Union Springs Village Board resolution.
- B. Requirements for Minor Subdivision Plat Review. A Minor Subdivision Plat Application shall include the following information:
- (1) A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.
  - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.
  - (3) All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Cayuga County Health Department; approval shall be stated on the plat and signed by an officer of the Cayuga County Health Department.
  - (4) The proposed subdivision name (if any), and the names of the Village, Town and County in which it is located.
  - (5) The date, a true-north arrow, the map scale, and the names, addresses and phone numbers of all owners of record and the sub-divider.
  - (6) The Subdivision Plat shall be a clear, legible reproduction that meets the standards for filing with the Cayuga County Clerk as prescribed by law.
- C. Sub-divider to Attend Planning Board Meeting on Minor Subdivision Plat. The sub-divider, or a duly authorized representative, shall attend the meeting of the Planning Board at which a Subdivision Plat is first discussed.
- D. Public Hearing on Minor Subdivision Plat. If required by the Planning Board, a public hearing shall be held within 45 days of the Date of Submission of required materials. The hearing shall be advertised in the official newspaper of the Village at least five (5) days before such hearing. If no public hearing is required, the Planning Board shall have 45 days from the Date of Submission to make its decision. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage, provided by the Planning Board and obtained from the Code Enforcement Officer. The applicant shall post this signage at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least ten (10) days prior to the public hearing.

E. Action on Minor Subdivision Plat.

- (1) The Planning Board shall, within 45 days of the date of the public hearing, act to conditionally approve; conditionally approve with modification; disapprove; or grant final approval to and authorize the signing of the Final Subdivision Plat. This time may be extended by mutual consent of the sub-divider and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the plat.
- (2) Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon compliance with such conditions and requirements as may be stated in the Board's resolution of conditional approval.
- (3) Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Chair of the Planning Board as conditionally approved; a copy shall be filed in the Village Clerk's office; and a certified copy shall be mailed to the sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved plat.
- (4) Upon completion of the requirements in the resolution of approval, the plat shall be signed by the Chair of the Planning Board. Conditional approval of the plat shall expire 180 days after the date of the resolution granting such approval. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances. Such extension is not to exceed two additional periods of 90 days each.

**16-13 MAJOR SUBDIVISION PRELIMINARY PLAT REVIEW PROCEDURE**

A. Application and Fee.

- (1) Prior to the filing of an application for the approval of a Major Subdivision Plat, the sub-divider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked with the words "Preliminary Plat" and shall be in the form described in Section 16-13, B hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of the New York State Village Law Article 7, §7-728 of the and Section 16-13, B of these regulations, except where a waiver may be specifically authorized by the Planning Board.
- (2) At least nine (9) copies of the Preliminary Plat shall be presented to the Code Enforcement Officer along with the fee established by the Village Board. The Date of Submission of the Preliminary Plat shall be considered to be the date on which the Planning Board Chair, after reviewing said submission with the Code Enforcement Officer, accepts as complete the Preliminary Plat and all data required by Section 16-13, B hereof. The Planning Board Chair shall note the date on the Preliminary Plat.

B. Requirements for Major Subdivision Preliminary Plat Review. A Preliminary Plat application shall include the following information:

- (1) The proposed subdivision name, the names of the Town and County in which it is located, the date, a true-north arrow, the map scale, and the names, addresses and phone numbers of all owners of record, the sub-divider, and the engineer or surveyor, including license number and seal.
- (2) The names of the owners of record of all adjacent property.
- (3) The zoning district, including exact boundary of districts, where applicable, and any proposed changes in the zoning district lines or the zoning regulations text applicable to the area to be subdivided.
- (4) All parcels of land proposed to be dedicated to public use and the condition of such dedication.
- (5) The locations of existing property lines, easements, buildings, watercourses, marshes, rock outcrops and wooded areas.
- (6) The locations of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades and direction of flow.
- (7) Contours with intervals of ten (10) feet or less as required by the Planning Board, including elevations on existing roads, and an approximate grading plan if natural contours are to be changed more than two (2) feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map of the Village of Union Springs Comprehensive Plan within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in standards published by the Cayuga County Health Department. Show profiles of all proposed water and sewer lines.
- (10) All requirements as specified in local laws of the Village of Union Springs governing storm-water runoff; a storm-water management plan indicating the approximate location, construction and size of swales; and proposed lines and their profiles. Ramification of connections to existing or alternate means of disposal.
- (11) Plans and cross-sections showing the proposed new location and types of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins, and underground conduits. New features must comply with the Village of Union Springs Subdivision Design Standards, Article XVI, Section 16-24.
- (12) Preliminary designs of any bridges or culverts which may be required.
- (13) The proposed lot lines with the approximate dimensions and area of each lot.
- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width, and

which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the Official Map.

- (15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked with an approved pin, pipe or monument as approved by the Village Board, and shall be referred to and shown on the plat.
  - (16) If the application covers only a part of the sub-divider's holding, a map of the entire tract shall be submitted so that the part of the sub-divider's holding covered in the application can be considered in the light of the entire holding. This map shall be drawn at a scale of not less than 1:4,800 and shall show an outline of the platted area with its proposed streets, and an indication of any probable future street system with its grades and drainage in the remaining portion of the tract, and any probable future drainage layout of the entire tract.
  - (17) A copy of any covenants or deed restrictions that are intended to cover all or part of the tract.
- C. Sub-divider to Attend Planning Board Meeting. The sub-divider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.
- D. Study of Major Subdivision Preliminary Plat. The Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet un-subdivided, and the requirements of the Village of Union Springs Comprehensive Plan, the Official Map, and Zoning Regulations.
- E. Public Hearing on Major Subdivision Preliminary Plat.
  - (1) Within 45 days of the Date of Submission of a Preliminary Plat marked as complete by the Planning Board Chair, the Planning Board shall hold a public hearing. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage provided by the Planning Board by way of the Code Enforcement Officer and to post it at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least ten (10) days prior to the public hearing. The public hearing shall be advertised at least once in the official newspaper of the Village at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat.
  - (2) Within 45 days of the date of the public hearing, the Planning Board shall approve with or without modification, or disapprove the Preliminary Plat; and the grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by written mutual consent of the sub-divider and the Planning Board.

**F. Planning Board Approval of Preliminary Plat.**

- (1) **Conditional Approval of Preliminary Plat.** When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to:
  - a. Modifications to the Preliminary Plat.
  - b. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and welfare.
  - c. The required improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plat.
- (2) **Effect of Approval of Preliminary Plat.** Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. When approving a Preliminary Plat, the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such Preliminary Plat, it shall be certified by the Planning Board Chair as having been granted preliminary approval, and a copy shall be filed with the Village Clerk, a certified copy shall be mailed to the owner, and a copy shall be forwarded to the Village Board. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing. Failure of the Planning Board to act within the 45-day period shall constitute approval of the Preliminary Plat.

**16-14 MAJOR SUBDIVISION FINAL PLAT APPLICATION**

**A. Application.**

- (1) A sub-divider shall, within six (6) months after the approval of a Preliminary Plat, file with the Planning Board an application for approval of a Final Subdivision Plat in final form, using the application available from the Code Enforcement Officer. If the Final Subdivision Plat is not submitted for approval within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Subdivision Plat and require resubmission of the Preliminary Plat.
- (2) A sub-divider intending to submit a Final Plat for the approval of the Planning Board Chair shall provide the Code Enforcement Officer with a copy of the application and copies as required of the plat, including one in ink on drafting film or an acceptable, equal medium that permits reproductions of the original; the original and one copy of all offers of cession, covenants and agreements; and two prints of all construction drawings.



B. Major Subdivision Final Plat and Accompanying Data.

- (1) Final Plat Filing. Any Final Plat must be stamped by the Planning Board Chair, the Cayuga County Health Department, and the Cayuga County Assessment Department and then must be filed with the Cayuga County Clerk within 92 days of the Planning Board approval. The County Clerk's filing standards may vary from the review standards of the Village. The Village's Final Plat shall show:
  - a. Proposed subdivision name or identifying title and the names of the Village, Town and County in which the subdivision is located; the names and addresses of the owners of record and of the sub-divider; and the name, license number and seal of the New York State-licensed land surveyor.
  - b. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
  - c. Data acceptable to the Code Enforcement Officer as sufficient to determine readily the location, bearing and length of every street line, lot line and boundary line and as sufficient to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State Plane Coordinate System, and in any event should be tied to reference points previously established by a public authority.
  - d. The length and bearing of all straight lines, radii, length of curves, central angles of curves, and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true-north arrow.
  - e. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title is reserved by the developer. For any of the latter there shall be submitted with the Final Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
  - f. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
  - g. Lots and blocks within a subdivision shall be numbered or lettered in alphabetical order in accordance with the prevailing Village practice.
  - h. Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of a licensed engineer or surveyor. When referred to the State Plane Coordinate System they shall also conform to the requirements of the State Department of Transportation.
  - i. They shall be placed as required by the Village and their location noted and referred to upon the Final Plat.

- j. All lot corner markers shall be permanently located in a way satisfactory to a licensed engineer or surveyor.
- k. Pins, pipes or monuments of a type approved by the Village Board shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by a licensed engineer or surveyor.
- l. Construction drawings, including plans, profiles and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

#### **16-15 ENDORSEMENT OF STATE AND COUNTY AGENCIES**

- A. Water and sewer facility proposals contained in the Final Subdivision Plat shall be properly endorsed and approved by the Cayuga County Department of Health. Applications for approval on plans for sewer or water facilities shall be filed by the sub-divider with all necessary Village, Town, County, and State agencies. Endorsement and approval by the Cayuga County Department of Health shall be secured by the sub-divider prior to official submission of the Final Subdivision Plat for approval by the Planning Board.

#### **16-16 PUBLIC HEARING AND REVIEW OF THE FINAL PLAT**

- A. Within 45 days of the Date of Submission of a Major Subdivision Final Plat in final form for approval, a public hearing shall be held by the Planning Board. This hearing shall be advertised. Advertising shall be at least once in the official newspaper of the Village and at least five (5) days before the hearing. If, however, the Planning Board deems the final plat to be in substantial agreement with a Preliminary Plat approved under Article XVI, Section 16-13,F hereof, and modified in accordance with requirements of such approval, if such Preliminary Plat had been approved with modification, the Planning Board may waive the requirement for such a public hearing.

#### **16-17 PLANNING BOARD ACTION ON PROPOSED FINAL SUBDIVISION PLAT**

- A. Prescribed time for Action. The Planning Board action shall be by resolution to conditionally approve with or without modification; disapprove; or grant final approval to and authorize the signing of the plat by the Chair of the Planning Board. The action is to be taken within 45 days of the public hearing, if one was held, and if no public hearing was held, within 45 days of the Date of Submission. This time may be extended by written mutual consent of the sub-divider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.
- B. Conditional Approval. Upon resolution of conditional approval of a Final Plat, the Planning Board shall empower the Chair of the Planning Board to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Chair of the Planning Board as conditionally approved, and a copy filed in the Village Clerk's office, and a certified copy mailed to the sub-divider. The copy mailed to the sub-divider shall include a

certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved Final Plat.

- C. Certification by Planning Board Chair. Upon completion of such requirements, the plat shall be signed by the Chair or designee of the Planning Board.
- D. Expiration of Approval. Conditional approval of a Final Plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted by the circumstances; such extension is not to exceed two (2) additional periods of 90 days each.

## **16-18 REQUIRED IMPROVEMENTS**

- A. Final Approval of Major Subdivision Final Plat. Before the Planning Board grants final approval of a Major Subdivision Final Plat, the sub-divider shall follow the procedure set forth in either Section 16-18, B or Section 16-18, C below.
- B. Full Cost Check or Bond. In an amount set by the Planning Board, the sub-divider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements, or the sub-divider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of the New York State Village Law Article 7, §7-730, and further shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year, or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond as the time within which required improvements must be completed.
- C. Check or Bond for Completion. The sub-divider shall complete all required improvements to the satisfaction of the Code Enforcement Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the sub-divider shall file with the Village Clerk a bond or certified check covering the costs of such improvements. Any such bond shall be satisfactory to the Village Board and Village Attorney as to form, sufficiency, manner of execution and surety.
- D. Underground Utilities Map. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by a licensed engineer or surveyor and a map satisfactory to the Code Enforcement Officer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the sub-divider completes all required improvements according to Section 16-18, C hereof, then the map shall be submitted prior to endorsement of the plat by the Planning Board Chair. However, if the sub-divider elects to provide a bond or certified check for all required improvements as specified in Section 16-18, B hereof, such bond shall not be released until such a map is submitted.

## **16-19 MODIFICATION OF DESIGN IMPROVEMENTS**

- A. If, at any time during the construction of required improvements, it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary to modify the location or design of the required improvements, the Code Enforcement Officer may, upon approval by the Chair of the Planning Board or designee,

authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Code Enforcement Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

#### **16-20 INSPECTION OF IMPROVEMENTS**

- A. **Inspection Fee.** At least five (5) days prior to commencing construction of required improvements, a sub-divider shall pay to the Village Clerk the inspection fee required by the Village Board and shall notify the Village Board in writing of the time when the sub-divider proposes to commence construction of the improvements, so that the Village Board may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- B. **Proper Installation of Improvements.** If the Village Engineer finds, upon inspection of the improvements performed before the expiration date of a performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the sub-divider, the engineer shall so report to the Village Board, Code Enforcement Officer and Planning Board. The Village Board then shall notify the sub-divider and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond. No additional Subdivision Plat shall be approved by the Planning Board as long as the sub-divider is in default on a previously approved Subdivision Plat.

#### **16-21 FINAL APPROVAL OF SUBDIVISION PLAT**

- A. **Signature of Planning Board Chair.** Upon completion of the requirements in Sections 16-17 through 16-20 hereof and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the Chair or designee of the Planning Board and may be filed by the applicant in the Office of the County Clerk.
- B. **Prompt Filing.** Any Subdivision Plat not so filed or recorded within 30 days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.
- C. **Plat Void if Altered After Approval.** No changes, erasures, modifications or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

#### **16-22 PUBLIC STREETS AND RECREATION AREAS**

- A. **Public Acceptance of Roads.** The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any road, easement or other open space shown on the Subdivision Plat.

- B. Ownership and Maintenance of Recreation Areas. When a park, playground, or other recreation area has been shown on a Subdivision Plat, approval of the plat shall not constitute an acceptance by the Village of the recreation area. The Planning Board shall require the plat or licensed survey map to be endorsed with approved and appropriate restrictions and disclaimers to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Village Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

## **16-23 CLUSTER SUBDIVISIONS**

- A. Authority. The Planning Board is empowered to modify applicable provisions of the Village of Union Springs Zoning Law in accordance with the provisions of the New York State Village Law, Article 7, §7-738 for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands. The following shall be the procedure and standards utilized for Cluster Subdivision review.
- B. Request by Sub-divider. A sub-divider may request the use of the New York State Village Law, Article 7, §7-738, with respect to presentation of a Sketch Plat as described in Article XVI, Section 16.9 hereof.
- C. Sketch Plat. A sub-divider shall present, along with a proposal in accordance with the provisions of Village Law, Section 7-738, a Cluster Sketch Plat which is consistent with all the criteria established by these Land Subdivision Regulations, including roads being consistent with the road specifications and lots being consistent with Zoning Regulations.
- D. Park, Recreation, Open Space or Other Municipal Purposes. If the application of this procedure results in a plat showing land available for park, recreation, open space or other municipal purposes directly related to the plat, then necessary conditions as to ownership, use and maintenance of such lands for their intended purposes shall be set forth by the Planning Board.
- E. Plat Submission. Upon determination that a Sketch Plat is suitable for the procedures under the New York State Village Law, Article 7, §7-738, and subsequent to the resolution authorizing the Planning Board to proceed, a Preliminary Plat meeting all of the requirements of the resolution shall be presented to the Planning Board, and thereafter the Planning Board shall proceed with the required public hearings and other requirements of these regulations.
- F. Filing: Notation on Zoning Map. Upon making final approval of a plat on which the New York State Village Law, Article 7, §7-738, Cluster Subdivision provisions have been used, the Planning Board Chair shall notify the Village Clerk, who shall make the appropriate changes to the Official Zoning Map under the New York State Village Law, Article 7, §7-738 (NOTE: Which section then refers the Clerk to the New York State Village Law, Article 7, §7-706).

## **16-24 GENERAL REQUIREMENTS AND DESIGN STANDARDS**

- A. In considering applications for subdivision of land, the Planning Board shall be guided by the following principles and the standards set forth in Sections 16-24, B through 16-24, hereof. The standards shall be considered minimum requirements and shall be waived by

the Planning Board only under circumstances set forth in Article XVI, Section 16-25 hereof. In addition, the following criterion shall be followed:

- (1) Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- (2) Conformity with the Village of Union Springs Official Map and Comprehensive Plan. Subdivisions shall conform to the Official Map of the Village of Union Springs and shall be in harmony with the Village of Union Springs Comprehensive Plan.
- (3) Specifications for Required Road Improvements. All required improvements shall be constructed or installed to conform to the Village Specifications, which are found in Section 16-24 B, below. Further specifications and consultation may be obtained from the Village Code Enforcement Officer.

B. Road Considerations.

- (1) Statement of Acceptance. All roads that are to be dedicated as public roads must comply with the standards set forth in this document. All access roads that are not to be dedicated as public roads must comply with the New York State Village Law, Article 7, §7-734 and §7-736. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements and rights-of-way. A written statement of acceptance must be filed by the Village Superintendent of Public Works and the Village Attorney before any road shall be accepted by the Village Board. New curb-cuts (driveway or roadway openings) onto all County routes shall be reviewed by the Cayuga County Highway Superintendent and approved prior to installation and approval for acceptance by the Village.
- (2) Width, Location and Construction. Roads shall be sufficiently wide, suitably located, and adequately constructed to conform to the Village of Union Springs Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road-maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. Refer to Article XVI, Section 16-24 C, hereof, for roads that are to be turned over to and maintained by the Village.
- (3) Arrangement of Roads. The arrangement of roads in a subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines and drainage facilities. Subdivisions containing 20 lots or more shall have at least two (2) street connections with existing public streets, or streets shown on the Official Map, if such exist, or streets on an approved Subdivision Plat for which a bond has been filed. Where, in the determination of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

- (4) Minor Roads. Minor roads shall be laid out so that their use by through traffic will be discouraged.
- (5) Loop Residential Roads and Circle Drives. The creation of loop residential roads will be encouraged wherever the Planning Board finds that such roads are needed or desirable. Circle drives create problems for snow plowing and are discouraged. The Planning Board may require the reservation of a 20-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street.
- (6) Dimensions of Blocks. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4)-foot-wide paved foot path be included.
- (7) Openings for Minor Roads. Road openings into minor or secondary roads shall, in general, be at least 500 feet apart.
- (8) Road Jogs. Road jogs with centerline offsets of less than 125 feet shall not normally be permitted.
- (9) Angle of Intersection. The angle of intersection for all roads shall be such that for a distance of at least 100 feet a road is within ten (10) degrees of a right angle to the road it joins.
- (10) Roads' Relation to Topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of roads shall conform as closely as possible to the original topography.

C. Road Design.

- (1) Guidelines.
  - a. Rights-of-way: Local Roads. 60-foot right-of-way, 20-foot minimum pavement width (two (2) travel lanes). Additional rights-of-way may be required where deep cuts or fills are needed.
  - b. Width of road. 20-foot minimum pavement width, lanes: ten (10)-foot minimum width.
  - c. Shoulder width. Six (6)-foot minimum shoulder width.
  - d. Sight distance. Sight distance shall be at least 300 feet for intersections, horizontal curves and vertical curves.
- (2) Construction Specifications.
  - a. Before any gravel is placed, the sub-grade shall be crowned to a five (5) percent grade and shall be well compacted.

- b. Adequate ditches shall be provided by the builder. The minimum ditch grade shall be 0.5 percent. The Village will maintain ditches after acceptance of road.
- c. Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required. Builder will furnish culverts and install head walls if requested by the Village Superintendent of Public Works or an Engineer designated to the project by the Village. All culvert sizes and lengths shall be determined and culvert designs approved by the Village Superintendent of Public Works or an Engineer designated to the project by the Village, before installation.
- d. Under drains shall be placed in low, wet areas where side hill seepage is encountered or in other areas where required.
- e. Approved gravel base shall be placed six (6) to 18 inches deep from ditch to ditch and well compacted. All depth measurements refer to compacted depths. The top lift shall be crushed gravel or crusher-run stone, 20 feet wide and six (6) inches deep centered on base and compacted. The total compacted depth of gravel shall be 12 to 24 inches. Gravel base will be compacted at six (6)- to eight (8)-inch lifts, top grade compacted at the six (6)-inch lift.
- f. All roads must be paved with either a liquid bituminous material or a plant-mixed bituminous concrete material. Base course three (3) inches minimum, top course two (2) inches minimum.
- g. Crown on road shall be a two (2) percent grade.
- h. If considered necessary for road maintenance purposes, the Village Superintendent of Public Works or an Engineer designated to the project by the Village may require greater road curve radii than the standards in the following sections.

D. Further Road Improvements, including Hydrants and Lighting. Roads shall be graded and improved with pavement. In addition, roads may require curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Village Superintendent of Public Works or an Engineer designated to the project by the Village. Such grading and improvements shall be approved as to design and specifications by the Village Superintendent of Public Works or an Engineer designated to the project by the Village.

- (1) Fire hydrants shall conform to all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York and the Village of Union Springs specifications or laws for public water service.
- (2) Lighting facilities shall be in conformance with the lighting system of the Village. Such lighting standards and fixtures shall be installed after approval by



the appropriate power company and the authorized Village representative designated as an electrical inspector.

- E. **Underground Utilities.** The Planning Board shall require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The sub-divider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- F. **Grades.** Grades of all roads shall conform in general to the terrain, and shall not be less than 0.5 percent nor more than six (6) percent for major or collector roads, or ten (10) percent for minor roads in residential zones, but in no case more than three (3) percent within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Village Superintendent of Public Works or an Engineer designated to the project by the Village so that clear visibility shall be provided for a safe distance.
- G. **Curves at Intersections.** All road right-of-way lines at intersections shall be rounded by curves of at least a 20-foot radius, and curbs shall be adjusted accordingly.
- H. **Visibility.** Visibility at intersections shall be maintained. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is within the "clear sight triangle" (defined as a triangle drawn from a point of junction of the street lines or edge of pavement back forty feet (40') and connecting through the inside of the corner from end to end) shall be cleared of all growth (except isolated trees) and obstructions above a level three (3) feet higher than the centerline of the road. If such is directed by the Village Superintendent of Public Works or an Engineer designated to the project by the Village, the ground shall be excavated to achieve clear visibility for motorist operating passenger cars within the clear sight triangle.
- I. **Circle Drive Requirements.** Circle drive roads shall terminate in a circular turnaround having a minimum outside right-of-way diameter of 220 feet and a minimum right-of-way width of 60 feet. Circle drive roads are to be discouraged and a loop road used instead. At the end of a temporary dead-end road, the developer should put in a temporary hammerhead turnaround.
- J. **Loop Roads.** The two intersections of a loop road with the main road must be a minimum of two (2) lot depths apart.
- K. **Watercourses.** Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Village Superintendent of Public Works or an Engineer designated to the project by the Village. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm-water easement or drainage right-of-way as required by the Village Superintendent of Public

- Works or an Engineer designated to the project by the Village, which in no case shall be less than 20 feet in width.
- L. Curves in Deflected Local and Minor Roads. In general, road lines within a block deflecting from each other at any one point by more than ten (10) degrees shall be connected with a curve, the radius of which from the centerline of the street shall not be less than 200 feet on local roads, and 100 feet on minor roads.
- M. Service Roads. Paved rear service roads of not less than 20 feet in width, or in lieu thereof adequate off-road loading space, surfaced with a suitable, dust-free material, shall be provided in connection with lots designed for commercial use.
- N. Roads in Commercial Zones. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the road width shall be increased by such an amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such a commercial or business district.
- O. Road Names. All road names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters. Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names in this or nearby municipalities, except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change direction sharply or at a corner without a change in name. Before any road name is approved by the Village, the Village shall provide the proposed name to the Cayuga County 911 GIS Coordinator so that it can be checked against the list of names within the existing County database to ensure that there will be no confusion as to the unique identity and location of the proposed road name within the Village and nearby municipalities.
- P. Considerations for Lots.
- (1) Lots shall be buildable. The lot arrangement shall be such that in constructing a building in compliance with the zoning regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots approved in a subdivision cannot be further divided.
  - (2) Side Lines. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot plan.
  - (3) Corner Lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection. See Article XVI, Section 16-24 H.
  - (4) Driveway Access. Driveway access and grades shall conform to specifications of the Village Law. Driveway grades between the street and the setback line shall not exceed ten (10) percent.
  - (5) Access from Private Roads. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with these regulations.

- (6) Monuments and Lot Corner Markers. Monuments and lot corner markers shall be permanent monuments meeting specifications approved by the Village Board as to size, type and installation; they shall be set at such block corners, angle points, points of curves in streets and other points as the Village Superintendent of Public Works or an Engineer designated to the project by the Village may require; and their location shall be shown on the Subdivision Plat.

Q. Drainage Improvements.

- (1) Storm Water Run-off. All subdivisions are subject to all New York State and local laws governing storm-water runoff.
- (2) Removal of Spring and Surface Water. The sub-divider may be required by the Planning Board to carry away by pipe or watercourse any spring or surface water that may exist either previous to, or as a result of, a subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- (3) Drainage Structure to Accommodate Potential Development Upstream. Any culvert or other drainage facility shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The Village Superintendent of Public Works or an Engineer designated to the project by the Village shall approve the design and size of the facility on the basis of anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Regulations in the watershed.
- (4) Downstream Drainage. The sub-divider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Village Superintendent of Public Works or an Engineer designated to the project by the Village. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Village Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of such condition.
- (5) Land subject to Flooding. Land subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or improved in a manner satisfactory to the Planning Board to remedy the hazardous conditions.

R. Parks, Open Spaces, and Natural Features.

- (1) Open Space to Be Shown on Plat. Where a proposed park, playground, or open space shown on the Official Map is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in Section 16-12,B, and Section 16-13, B hereof. Such area or areas may be dedicated to the Village by the sub-divider if the Village Board approves such dedication.

- (2) Parks and Playgrounds not shown on Village Plan. The Planning Board shall require that a plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat. The Board shall require that not less than two (2) acres of recreation space be provided for fifty (50) dwelling units shown on the plat. However, in no case shall the Board require more than ten (10) percent of the total area to be set aside in the subdivision. Such area or areas may be dedicated to the Village by the sub-divider if the Village Board approves such dedication.
- (3) Information to be Submitted. In the event that an area to be used for a park or playground is required to be so shown, the sub-divider shall, prior to final approval, submit to the Board eight (8) prints (one on Mylar) drawn in ink showing, at a scale not smaller than 1:300, such area and the following features thereof:
  - a. The boundaries of the area, giving metes and bounds of all straight lines, radii, lengths, central angles and tangent distances of all curves.
  - b. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
  - c. Existing, and, if applicable, proposed changes in grade and contours of the area and of areas immediately adjacent.
- S. Reserve Strips. Reserve strips of land which might be used to control access from a proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.
- T. Preservation of Natural Features. The Planning Board shall, wherever possible, seek to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of twenty (20) inches or more at breast height shall be removed unless the tree is within the right-of-way of a street as shown on the final Subdivision Plat or the tree is damaged or diseased. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of twenty (20) inches or more as measured at breast height above the base of the trunk be indicated to be removed without prior approval by the Planning Board. All trees twenty (20) inches in diameter or greater at breast height shall be shown on the plat or survey map.

## **15-25 WAIVER OF CERTAIN IMPROVEMENTS**

- A. Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Board may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Village of Union Springs Comprehensive Plan or the Zoning Law.
- B. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

## **ARTICLE XVII SEVERABILITY, REPEALER AND EFFECTIVE DATE**

### **17-1 SEVERABILITY**

It is hereby declared to be the legislative intent that:

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.

Should the court 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 person, property or situations shall not be affected.

### **17-2 REPEALER**

The Law adopted \_\_\_\_\_ and entitled Village of Union Springs Zoning Ordinance and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present Law is held to be ineffective or invalid by reason or some irregularity in or impediment to its passage, this repealer shall also be ineffective, it being the legislative intention that if the present enactment shall be ineffective as aforesaid, then in that event the Law entitled Village of Union Springs Zoning Ordinance together with its supplements and amendments, would necessarily remain in full force and effect.

### **17-3 EFFECTIVE DATE**

The effective date of this Law shall be \_\_\_\_\_.

Be it enacted this \_\_ day of \_\_\_\_, \_\_\_\_ by the Village of Union Springs of Cayuga County, New York to be effective immediately.

**ERRATA - Wherever in this enactment words other than "Zoning Law" have been used and referring to this enactment, those words shall mean "Zoning Law".**

## APPENDIX I

### BULK AND USE TABLES

**A-1.1** For the purpose of promoting the public health, safety, and general welfare of the Village of Union Springs, the Village is hereby divided into the following Zoning Districts:

<i><b>District Designation</b></i>	<i><b>District Title</b></i>	<i><b>Brief Description</b></i> <i><b>(See Article VI for more detailed descriptions.)</b></i>
<b>AR</b>	Agricultural Residential	Provides a rural atmosphere within the Village while also allowing some low impact farming practices within the Village.
<b>RR</b>	Rural Residential	Primarily large lot residential with larger single family homes.
<b>R</b>	Residential	This area is higher density single family lots.
<b>LR</b>	Lakeside Residential	This zone generally includes residential parcels with portions of the parcels bordering directly on Cayuga Lake.
<b>HB</b>	Historic Business	This zone is located in the Village Center and includes lots with frontage on Cayuga Street (Scenic State Route 90) and is bordered to the north by Chapel Street and to the south by Center Street.
<b>C</b>	Commercial	Lots that the primary use is for activities involving the sale of goods and services carried out for profit.
<b>NC</b>	Neighborhood Commercial	This district allows both residential and commercial, but any commercial activity must take place within a structure that resembles a residential structure, or was formally a residential structure, and the lot must have a site plan that shows yards with landscaping in the front and parking to either the side or rear of the property.
<b>WC</b>	Waterfront Commercial	Lots that the primary use is for activities involving the sale of goods and services carried out for profit that have Cayuga Lake frontage.
<b>P</b>	Park	Areas that are owned by the Village or other organizations that the Village has determined should remain undeveloped and in a natural state.
<b>PD</b>	Planned Development	An overlay zone that provides flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit.
<b>F</b>	Floodplain	An overlay zone that requires site plan review for any development within this zone. Does not impact the underlying use zoning.

#### A-1.2 MATRIX TABLE OF USE REGULATIONS

- A. The Matrix Table of Use Regulations presents a summary of the Uses permitted by Right (P), by Special Permit (SP), as part of a Planned Development District (PD), or Prohibited (N) in each of the defined Zoning Districts within the Village of Union Springs. Please refer to Article VII for specific regulations applicable to all Zoning Districts.

	Use	AR	RR	R	LR	HB	C	NC	WC
1	Accessory Structures & Buildings	P	P	P	P	P	P	P	P
2	Accessory Uses	P	SP	SP	SP	N	N	N	N
3	Animal Care / Training Facilities	SP	N	N	N	N	N	N	N
4	Assisted Living Facility	P	SP	N	N	N	N	SP	N
5	Automobile Sales & Auto Dealerships	SP	N	N	N	N	SP	N	N
6	Automobile or Vehicle Repair	SP	SP	N	N	N	SP	N	N
7	Bank and Financial Institutions	SP	SP	N	N	P	P	P	P
8	Bed & Breakfast	P	P	P	P	P	P	P	P
9	Business and Professional Offices	SP	SP	N	N	P	P	P	P
10	Campground	SP	N	N	N	N	N	N	N
11	Cemeteries	P	SP	N	N	N	N	N	N
12	Child Care Facilities, Including Pre-school	P	SP	N	N	P	P	P	P
13	Clear Cutting Woodlands	P	SP	N	N	N	N	N	N
14	Commercial Antenna, Micro-relay Station	SP	SP	N	N	N	N	N	N
15	Commercial Domestic Animal Boarding Facilities	SP	N	N	N	N	N	N	N
16	Commercial (Non-Domestic) Animal Boarding Facilities	SP	N	N	N	N	N	N	N
17	Conversion: Single-Family dwelling converted to a Two-Family dwelling	P	P	SP	SP	N	N	SP	SP
18	Docks (Water)	P	N	N	P	N	N	N	P
19	Eating or Drinking Establishment	SP	SP	N	N	P	P	P	P
20	Emergency Dwelling	SP	SP	SP	SP	SP	SP	SP	SP
21	Farm Stands	P	P	P	P	P	P	P	P
22	Fire Station	P	P	N	N	N	N	N	N
23	Gasoline Station/Convenience Store	SP	N	N	N	N	SP	N	N
24	Golf Courses (Also See Section 6-12, A(3))	SP (PD)	SP (PD)	N	N	N	N	N	N
25	Greenhouse	P	P	P	P	P	P	P	P
26	Health Care Facilities	P	SP	N	N	P	P	P	P
27	Home Occupations	P	P	P	SP	P	P	P	P
28	Hotels, Motels	SP	N	N	N	SP	SP	SP	SP
29	Industrial Uses (See Section 6-12, A(4))	N	N	N	N	N	SP	N	N
30	Inns	P	P	P	P	P	P	P	P
31	Junkyards	N	N	N	N	N	N	N	N
32	Keeping or raising of Domestic Animals	P	P	P	P	P	P	P	P

	Use	AR	RR	R	LR	HB	C	NC	WC
33	Keeping or raising of Exotic Animals	N	N	N	N	N	N	N	N
34	Keeping or raising of Farm Animals	P	N	N	N	N	N	N	N
35	Library	P	P	N	N	P	P	P	P
36	Light Industrial Uses	SP	N	N	N	SP	SP	N	N
37	Marina	SP	N	N	N	N	N	N	P
38	Mixed-use building combining permitted residential and commercial uses	P	SP	N	N	*P	N	P	P
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District.</i>									
39	Mobile Home (stand alone, not in MH Park)	N	N	N	N	N	N	N	N
40	Mobile Home Park (See Section 6-10, D(4)e for Required PD District Approval)	SP (PD)	SP (PD)	N	N	N	N	N	N
41	Multi-family Dwelling	P	SP	SP	SP	*SP	N	SP	SP
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District.</i>									
42	Nursing Homes	P	SP	N	N	N	N	N	N
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District.</i>									
43	Park, or Recreation Area (wherein the chief activity shall consist of outdoor recreation owned and operated by a not-for-profit organization)	P	SP	N	N	SP	P	SP	P
44	Parking for Fee	SP	SP	N	N	SP	SP	SP	SP
45	Personal Service Use	SP	SP	N	N	P	P	SP	SP
46	Places of Worship	P	P	P	P	P	P	P	P
47	Private club or lodge for members only and operated by a not-for-profit organization	SP	SP	SP	SP	SP	SP	SP	SP
48	Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private, gainful business	P	P	SP	SP	SP	SP	SP	SP
49	Retail Uses	SP	SP	N	N	P	P	P	P
50	Riding academy	SP	N	N	N	N	N	N	N
51	Shopping Center (Also See Section 6-12, A(2) for Required PD District Approval)	N	N	N	N	N	P	N	SP (PD)
52	Single-Family Dwelling	P	P	P	P	*P	N	P	P
53	Spa Facility	P	N	N	N	P	P	P	P
54	Telecommunication/Cell Tower Facility	SP	SP	N	N	N	N	N	N
55	Two-family dwelling	P	P	P	P	*SP	SP	SP	SP
<i>* No Residential Use or Units shall be permitted on the first floor of buildings in the Historic Business District</i>									
56	Undertaking & Funeral Parlors	SP	SP	N	N	SP	P	P	P
57	Veterinary Services	SP	SP	N	N	SP	P	P	P



**A-1.3 TABLE OF DIMENSIONAL REQUIREMENTS:**

- A. The regulations for each district pertaining to minimum lot size, minimum lot width, maximum building coverage, minimum front yard depth, minimum side yard width, minimum rear yard depth, and maximum height, and minimum building size shall be as specified in this Section, subject to the further provisions of Article VI.

District	Minimum Lot Size (sq. ft.)	Minimum Road Frontage (ft.)	Minimum Yards			Maximum Building Coverage	Maximum Building Height (ft.)
			Front (ft.)	Side (ft.)	Rear (ft.)		
<b>AR</b>	20,000	100	30	10	30	30%	35
<b>RR</b>	30,000	150	30	20	30	30%	35
<b>R</b>	7,500	60	20	10	10	40%	35
<b>LR</b>	20,000	100	30	10	35	40%	35
<b>HB</b>	5,000	24	0	0	0	85%	35
<b>C</b>	40,000	100	30	20	30	35%	35
<b>NC</b>	25,000	100	30	10	30	35%	35
<b>WC</b>	25,000	100	30	10	35	35%	35
<b>P</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>PD</b>	200,000	200	100	100	100	35%	35
<b>F</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## APPENDIX II ZONING MAP

MAP 1: UNION SPRINGS ZONING MAP

