

Village of Union Springs

Zoning Ordinance

Revised: October 1987

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ARTICLE I. GENERAL PROVISIONS

Section 100 Short Title

This ordinance shall be known and cited as the "Village of Union Springs Zoning Ordinance."

Section 101 Purpose

Such regulations shall be made to promote the health, safety, morals of the general welfare of the community, and to lessen congestion in the streets, to secure safety from fire, 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, sewerage, schools, parks and other public requirements, under and pursuant to Article 6A of the Village Law of the State of New York, the size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purposes are hereby restricted and regulated as hereinafter provided.

ARTICLE II. DEFINITIONS

Section 200 General

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

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

- (1) words used in the present tense include the future.
- (2) The singular includes the plural,
- (3) The word "person" includes a corporation, partnership, and as well the individual,
- (4) The word "lot" includes the word "plot" or "parcel."
- (5) The term "shall" is mandatory.
- (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended arranged, or designed to be occupied.*"

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

Section 202 Accessory

(a) Accessory Use: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

Section 202 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.

Section 203 Area

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

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

(c) Floor Area: The sum of the gross horizontal area of the several floors and of buildings, excluding cellar, basement and attic areas not devoted to residential use. Floor area does not include cellars, unenclosed porches or accessory buildings not used for human occupancy.

Section 204 Building

(a) Building : Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or property.

(b) Building, Accessory: 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.

(c) Building Principal: A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

Building Height

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the declivity of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Coverage

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

Section 205 Dwelling

(a) Dwelling: A building designed or used exclusively for the living quarters for one or more families and connected to the public sewer system.

(b) Dwelling Unit: Any room or group of rooms located within a building and forming a single Inhabitable unit with facilities which are used or intended to be used for living, sleeping, cooking, etc. by one family.

(c) One-Family Dwelling: A detached building designed for or occupied exclusively by one family.

(d) Two-Family Dwelling: A building designed for or occupied exclusively by two families living independently of each other.

(e) Multiple Dwelling: A building or portion thereof containing three or more dwelling units.

(f) Elevator Apartment: A building of 3 or more stories in height.

Section 206 Family

Any number of individuals related by blood, marriage, adoption or up to 4 unrelated individuals living together as a single housekeeping unit.

Section 207 Lot

(a) Building Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance.

(b) Corner Lot: A parcel of land at the junction of and fronting on two or more intersecting streets.

(c) Through Lot: An interior lot having frontage on two parallel or approximately parallel streets.

(d) Depth of lot: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

(e) Lot Width: The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.

(f) Lot Line: Any boundary line of a lot.

(g) Lot Size: Actual square footage of lot.

Section 208 Mobile Home

A dwelling unit manufactured in one or more sections, designed for long-term occupancy; containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers, arriving at the site where it is to be occupied as a dwelling complete and set on a foundation and be in compliance with the Village Mobile Home Ordinance.

Section 209 Modular Home

A dwelling that is a factory-fabricated transportable building unit designed

to be permanently located or used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential purposes and be placed on permanent foundations.

Section 210 Open Space

Any space or area characterized by great natural scenic beauty or whose existing open space, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

Section 211 Recreation Space

Recreation space is the sum of all open or covered areas used for recreation purposes.

Section 212 Right-of-way

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

Section 213 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 Ordinance not as a roomer, boarder, or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

Section 214 Sewer

A 'sewer' is any municipal or privately owned sewer system in which sewage is collected from building 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.

Sign (See ARTICLE VII)

Section 215 Story

That portion of a building enclosed between the surface of any floor and the surface of the floor next above it, or if be no floor above it, then the space between any floor and the ceiling next above it.

Section 216 Street

A public or private way used or intended to be used for passage or travel by automobiles which affords access to abutting properties.

Section 217 Structure

A combination of materials assembled, constructed or erected at a fixed location including for examples, a building, stationary and portable carports, and swimming pools, the use of which requires location on the ground or attachment to something having location on or in the ground.

Section 218 Travel Trailer

A vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width not exceeding eight (8) feet and a body length not exceeding thirty-five (35) feet.

Section 219 Use

(a) Use: Any activity, occupation, business or operation carried on, or intended to be carried on in a building or other structure or on a tract of land.

- (b) Use, Principal: The main use on a lot.

Section 220 Yard

(a) Yard: An open space unobstructed from the ground up on the same lot with a principal structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

(b) Yard, Front: A yard between a principal 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.

(c) Yard, Rear: A yard between a principal structure and a rear lot line and extending the entire length of the rear lot line.

(d) Yard, Side: A yard between a principal structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Section 221

(a) Junk Yard: The storage of or recycling of scrap metal, 2 or more unregistered automobiles, appliances, construction material, automobile parts, refuse, used building materials, inoperable farm implements and trash or for the sale of parts thereof.

(b) Auto Body Repair Shop: An enclosed area for the repair and maintenance of automobiles. No more than 6 unregistered vehicles shall be stored outside of the premise except by Special Permit.

ARTICLE III

Section 300 Establishment of Districts

For the purpose of promoting the public health, safety, morals and general welfare of the Village of Union Springs, the Village is hereby divided into the following types of districts:

- | | | |
|-----|----|------------------------------------|
| (a) | AR | Agricultural Residential Districts |
| (b) | R | Residential Districts |
| (c) | C | Commercial Districts |
| (d) | I | Industrial Districts |
| (e) | FH | Flood Hazard Districts |

Section 301 Zoning Map

Said districts are bounded as shown on a map entitled "Zoning Map of the Village of Union Springs," adopted _____ and certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

Section 302 Interpretation of District Boundaries

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.

(a) 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 right-of-way lines shall be construed to be such boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c) 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 a distance as shall be determined by the use of the scale shown on the zoning map.

(d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

(e) In the case of further uncertainty as to the true location of a zoning district boundary line in a particular instance, the Board of Appeals shall determine the location of such boundary.

ARTICLE IV USE REGULATIONS

Section 400 Applicability of Regulations

Except as provided by law or in this ordinance in each district no building structure, or land shall be used or occupied except for the purposes permitted and for the zoning districts so indicated.

Section 401 Uses Permitted, Special Permit, and Uses Not Permitted

- (a) A use is permitted in any district denoted by the letter "P".
- (b) A use may be permitted by Special Permit in any district denoted by the letters "SP".
- (c) A use not permitted in any district denoted by the letter "N".

Section 402 Uses are Subject to Other Regulations

Uses permitted, or by special permit shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, provisions for off-street parking and loading, and to such other provisions as are specified in other Articles.

Section 403 Tables of Use Regulations

PRINCIPAL USES

	AR	R	C	I	FH
<u>Agricultural Uses</u>					
Tilling of the soil	P	SP	SP	P	P
Keeping or raising of livestock, small animals, or poultry.	P	N	N	N	SP
Greenhouse as Accessory Building, provided any retail sales or commodities associated with the greenhouse in the A-R District shall be produced on the premises.	P	N	P	N	N
<u>Residential Uses</u>					
One-family detached dwelling on a separate lot and occupied by not more than one (1) family.	P	P	SP	SP	SP
Two-family dwelling provided that the lot area per family shall not be less than the minimum lot required for the district in which such lot is situated.	P	SP	SP	SP	SP
<u>Conversions</u>					
One-family dwellings converted for occupancy by not more than two families, subject to the following conditions:	P	SP	SP	SP	SP
(a) the lot area per family shall not be reduced thereby to less than that required for the district in which such lot is situated.					
<u>Districts</u>					
AR - Agricultural Residential				R - Residential	
C – Commercial				I - Industrial	
P - Permitted Activity				N - Not Permitted	
SP - Special Permit Required					
FN - Flood Hazard-determined by Federal Government					

AR R C I FH

- (b) the yard, building area, and other applicable requirements for the district shall not be reduced thereby.
- (c) no structural alteration of the building exterior shall be made except as may be necessary for purpose of safety.

Multiple Family Dwelling

- (a) There shall be 15,000 square feet of lot area for initial three (3) dwelling units with 100 feet of road frontage. The minimum lot area shall be increased by at least 2,000 square feet for each additional dwelling unit over three (3), except in case of elevator apartments additional lot area shall be increased by only 1,000 square feet for each additional unit.
- (b) All dwellings shall be served by a public sewer system.
- (c) A minimum of 1.8 square feet of properly landscaped open space shall be required for each square foot of floor area devoted to multiple family use. A minimum of 0.13 square feet of recreation space shall be required for each square foot of floor area devoted to multiple family use.

SP SP SP N N

Mobile Homes

Mobile homes may be permitted as dwelling units only in mobile home courts. Mobile

P N N N N

home courts shall be established only in agricultural residential zones and shall conform to the Village of Union Springs Mobile Home Ordinance.

AR R C I FH

Institutional, Recreational, and Educational

Cemeteries

P N N N N

Churches, parish houses, convents, and other housing for religious personnel, subject to the following provisions.

P P SP SP N

- (a) Minimum lot size shall be two (2) acres.
- (b) All buildings shall be not less than fifty (50) feet from any lot line.
- (c) Completely detached buildings on the same lot shall be not less than twenty (20) feet from one another.

Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private gainful business, subject to the following provision:

P P N M N

- (a) Minimum lot size shall be three (3) acres.
- (b) All buildings shall be not less than one hundred (100) feet from any lot line.

AR R C I FH

(c) Completely detached buildings on the same lot shall be not less than twenty (20) feet from one another.

P P N N SP

Golf course and country club (excluding driving ranges and miniature gold courses), subject to the following provisions:

(a) Minimum lot size shall be forty (40) acres.

(b) All buildings shall be not less than one hundred (100) feet from any lot line.

(c) Such use shall be permitted in R Districts only when planned as part of a residential development.

P P P P SP

Recreational facility owned or operated by an agency of the Village or other government.

SP N N N SP

Private camp, park, or recreation area wherein the chief activity shall consist of outdoor recreation.

P P P P SP

Public building owned or operated by a government.

P P P P N

Library

P N P P N

Eating place for the sale and consumption of food and beverages.

N N P N N

Bank

SP SP SP SP SP

Public Park or Recreation Area

AR R C I FH

Service business including the following uses:

N N P N N

- (a) Barber, beauty shop, laundry or cleaning agency, self-service laundry, or other similar use.
- (b) Tailor, dressmaker
- (c) Printing shop, photographer's studio, caterer.
- (d) Repair shop for appliances, bicycles, watches, shoes
- (e) Carpentry and plumbing shop.
- (f) Recreational facility owned or operated by an agency of the village or other government, reserving the right of the village to contract for vending services.

Motel, Hotel *

P N P P N

Private club or lodge for members only and operated not for profit, subject to the following provisions:

N N P N N

- (a) Minimum lot size shall be not less than one (1) acre.
- (b) All buildings shall be not less than twenty (20) feet from any lot line.

Retail and Personal Services

Shops and stores for the sale of books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint, furniture, wearing apparel and antiques.

N N P N N

*See footnote page 18 for specific standards applicable to these uses.

AR R C I FH

Office Uses

Office of those engaged in personal health services such as physician, dentist, optometrist and clinic for the treatment of persons as out patients.*

SP SP P N N

Business and professional offices.*

N SP P N N

Automotive Service Uses

Gasoline service station* subject to the following additional requirements:

SP N P SP N

(a) All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.

(b) Fuel pumps may be located within the front yard but shall be at least thirty (30) feet from any right of way.

(c) All automotive parts, dismantled vehicles, and similar articles shall be stored within a building.

(d) Shall be permitted only as accessory use in Industrial Districts.

(e) The Gasoline Service station shall have a buffer strip consisting of a five foot planting of interlocking foliage on the rear and side lot lines. Six (6) feet high, unless one of the sides is a corner.

(f) Auto body repair shop.

SP N SP SP N

(g) Junk Yard

N N N N N

Commercial Marine Service Uses

(a) Dock or walkways extending into the lake shall be constructed in accordance with existing federal and state laws.

SP SP SP SP SP

(b) Outdoor storage of a boat or boats or drydocking of boats in excess of State Department of Transportation size requirements.

N SP N SP

Industrial Uses

The following industrial uses shall be permitted in the districts so indicated, provided that they are conducted in such a manner that they are not noxious or injurious by the reason fo the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, or Similar substances or conditions.

A minimum of 0.8 square feet of properly landscaped open space shall be required in industrial areas for each square foot of floor area devoted to industrial use.

Wholesale business and storage in a roofed structure.	N	N	SP	SP	N
Production, processing, cleaning, testing, and distribution of materials, goods, food-stuffs and products.	N	N	N	SP	N
Contractor offices and shops such as building, cement, electrical, heating, masonry.	N	N	P	SP	N
Sale of building material	N	N	P	SP	N

AR R C I FH

Yard Screening

Fences, walls may be located inside of the property line in any yard or court and shall be maintained in good condition.

P P P P P

Trees shall be located 4' inside of property line. No trees shall be located on Village rights-of-way. Shrubs and hedges shall be located so as not to encroach upon adjoining land owners.

P P P P P

*Special standards for the Rental and Personal Services, Office and Automotive Services Uses designated shall be:

Motel, hotel development shall have a minimum lot size of not less than two (2) acres. Other uses shall meet the dimensional requirements of Section 500.

A buffer strip no less than ten (10) feet in width in addition to the, dimensional requirements in Article V shall be provided by the petitioner along side and rear property lines when abutting property is not in commercial or industrial uses. This buffer strip shall be composed of interlocking trees and foliage and other appropriate ground cover or uniformly finished fences. The maintenance of this buffer strip shall be a continuing obligation of the owner of said area.

A minimum of 0.4 square feet of properly landscape open space shall be required for each square feet of floor area devoted to commercial use exclusive of the buffer strip.

ACCESSORY USES

Customary Home Occupation for Gain

AR R C I FH

A home occupation is an activity that:

SP SP SP SP SP

- (a) is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit.
- (b) Conforms to the following regulations:
 - (i) The home occupation shall be carried on wholly indoors and within the principal building or within a building or other structure accessory thereto.
 - (ii) There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted.
 - (iii) There shall be no exterior storage of materials.
 - (iv) No external alterations, additions or changes to structure shall be permitted in order to

accommodate or facilitate a home occupation.

- (v) No articles shall be sold or offered for sale except such as may be produced on the premises.
- (vi) No repetitive servicing by truck for supplies and material shall be required.
- (vii) The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than one (1) additional employee.
- (viii) 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.

(d) In particular, a home occupation includes, but is not limited to the following: art studio, professional office of a physician, dentist, lawyer, engineer, architect, writer, or accountant.

(e) Among the uses that shall not be interpreted to be a home occupation are the following: animal hospital, commercial stables and kennels, funeral parlor, antique shop, tourist home, and restaurant.

- (f) All accessory uses shall be subject to the off-street parking requirements of Article VI.
- (g) All accessory uses shall be subject to the sign requirements of Article VII.

Accessory Structures

Minimum Yard Regulations

(1) Unattached Accessory Structures in Residential Districts.

Accessory structures, which are not attached to a principal structure, shall be erected only in accordance with the following restrictions:

- (a) No accessory structure is located closer than six (6) feet to the side and rear lot lines.
- (b) No accessory structure is located closer to the street than the street wall of the principal structure.
- (c) No accessory structure is located closer to a principal structure than ten (10) feet.
- (d) Accessory structure shall be architecturally compatible with the principal building on the lot.

(2) Attached Accessory Structures in Residential Districts.

When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building

(3) Accessory Structures in Other Districts.

Accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory, and shall not be closer to any rear property line than ten (10) feet.

(4) Private Outdoor Swimming Pools.

A single, private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests and provided that any edge of the pool is not located closer than ten feet to any property line nor in any front yard, and does not occupy more than ten percent of the lot area.

(5) Enclosure of Swimming Pools and Man Made Ponds

Every outdoor swimming pool *shall be completely surrounded by a fence or wall not less than four feet (4') in height, which shall be so constructed as not to have openings, holes or 'gaps larger than four inches (4") in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches (4"). A dwelling house or accessory building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when pool is not in actual use. Such door must be locked. The door of any dwelling which forms a part of the enclosure need not be so equipped.

This requirement shall be applicable to all new swimming pools* hereafter constructed, other than indoor pools, and shall apply to all existing pools* which have a minimum depth of twenty-four inches (24") of water. No person in possession of land within the Village, either as owner, purchaser, lessee, tenant or a licensee upon which is situated a swimming pool*having a minimum depth of twenty-four inches (24") shall fail to provide and maintain such fence or wall as herein provided.

*Swimming pools also include man made ponds.

ARTICLE V DIMENSIONAL REQUIREMENTS

Section 500 District Regulations

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

TABLE OF DIMENSIONAL REQUIREMENTS

District	Minimum Lot Size	Minimum Lot Width (Feet)	Minimum Yards (Feet)			Maximum Height* (Feet)
			Front	Side	Rear	
AR	½ Acres	100	30	10	35	35
R	12,000 sq. ft.	100	30	10	35	35
C	5,000 sq. ft.	50	0	0	0	35
I	20,000 industrial	100	50	30	40	60

Section 501 Exceptions of Minimum Lot Sizes and Lot Widths

The provisions of Section 500 shall not prevent the construction of a single family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Ordinance was in separate ownership duly recorded by plat or deed.

*Height requirements do not apply to elevator apartments.

Section 502 Traffic Visibility Across Corners (clear sight triangle)

(a) 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 a public street by obscuring the view. Visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street lines and a straight line drawn between points on each such street line twenty-five (25) feet from the intersection of said street lines.

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

Section 503 Building Height Regulations

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.

Section 504 Essential Services

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; reasonably necessary for the furnishing of adequate service by such public utilities or town or other governmental agencies or for the public health or safety or general welfare will be permitted, but not including buildings.

Section 505 Front and Side Yards of Corner Lots

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

Section 506 Maintenance of Property and Yards

All improved lots whether residential or commercial shall be mowed at least once a month from April 1 to October 1 and kept free of rubbish, garbage and trash.

All unimproved lots shall be mowed at least once every two months from April 1 to October 1 and kept free of rubbish, garbage and trash.

ARTICLE VI OFF-STREET PARKING AND LOADING

Section 600 Required Off-Street Parking and Loading Spaces

(a) Parking Space. The following off-street parking provisions shall constitute the minimum space required for the following buildings and uses hereafter erected, converted, or otherwise established in any district:

(1) Single Family, Detached Dwelling on Individual Lot.

Two (2) off-street parking spaces or each dwelling.

(2) Multiple Family Dwelling and Mobile Home in Mobile Home Park.

Two (2) parking spaces or each dwelling unit.

(3) Motel, Hotel. One (1) off-street parking space for each rental room or suite, plus one (1) additional space for each full-time employee on the premises at one time.

(4) Eating or Drinking Establishment. One (1) off-street parking space for each fifty (50) square feet of floor area devoted to customer uses, plus one (1) additional space for each fulltime employee on the premises at one time.

(5) Church, Library, Fire Station, Theater, and Auditorium.

One (1) off-street parking space or every four (4) seats provided for patrons, customers, members, or guests.

(6) Retail and Office uses. One (1) off-street parking space for each one hundred and fifty (150) square feet of gross floor area.

(7) Institutions. One (1) off-street parking space for each patient or resident bed (excluding bassinets), plus one (1) space for each fulltime employee on the premises at one time. However, hospitals, sanitariums, or convalescent homes primarily providing long term custodial care for patients need not provide more than one (1) space for each four (4) patient beds.

(8) Industrial. One (1) parking space for each three employees on the premises at one time.

(9) Home Occupation. Two (2) off-street parking spaces in addition to the requirement for the dwelling.

(10) Drive-In Stand. A sufficient number of off-street parking spaces to accommodate the maximum number of stopping vehicles at any one time, but in no case fewer than three (3) such spaces.

(b) 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.

(c) Required off-street parking spaces shall be provided on the same lot with the principal use served or within two hundred (200) feet of the lot.

(d) Driveways and parking areas for nonresidential uses except home occupations shall include, within the property lines, turning areas so constructed and surfaced that a vehicle entering or leaving the property is not required to back onto the street or onto the property.

Section 601 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 or industrial 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 the seasons.

Section 602 Design of Off-Street Parking and Loading Facilities

(a) 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 accessways, aisles, and maneuvering space. Each space shall have an all-weather surface installed to village specifications.

(b) All illumination on parking lots shall be shielded so as not to produce a strong dazzling light upon abutting properties.

(c) Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under Ordinance for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

ARTICLE VII SIGNS

Section 700 Definition of "Sign"

Sign shall mean and including 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 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.

Section 701 Definitions of "On-Premises" and "Off-Premises" Signs

(a) On-Premises Sign. --A sign which 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.

(c) Off-Premises Sign. --A sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot.

Section 702 Area of Sign

(a) The area of a sign shall be construed to include all lettering, working, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, buildings, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

(d) In computing square foot area of a double-face sign, both sides shall be considered a separate sign.

Section 703 Permit Requirements for Signs

All on-premises signs over six (6) square feet in area and all off-premises signs except governmental signs regardless of size shall require the issuance of a zoning permit before erection or replacement. All signs must comply with all of the regulations contained herein, irrespective of whether a permit is required.

Section 704 Signs Permitted in All Districts

No sign or other advertising device shall be permitted except as follows:

(a) On-Premises Signs

(1) Official traffic signs and other official federal, state, county, village, or town government signs.

(2) Signs displaying the name and address of the occupant of a dwelling, provided that the area of any such sign shall not exceed three (3) square feet and not more than one (1) such sign shall be erected for each dwelling unit, unless such property fronts on more than one street, in which case one (1) such sign may be erected on each street frontage. Such signs may be non-illuminated or indirectly illuminated only.

(3) Temporary signs announcing a campaign, drive, or event of a civic philanthropic, educational, or religious organization. Such signs shall not exceed twelve (12) square feet in area and shall be removed immediately upon completion of the campaign, drive, or event.

(4) Memorial signs or tablets.

(b) Off-Premises Signs

(1) Off-premises signs which are used for directing members, or audience to service clubs, churches, or other non-profit organizations may be erected subject to the following requirements:

(i) A sign shall indicate only the name of the organization and the direction to the facility.

(ii) Only one (1) sign shall be erected prior to each intersection turning movement necessary to reach such facility.

(iii) Signs shall not exceed four (4) square feet in area.

(2) Signs directing patrons, members, or audience to temporary exhibits, shows, or events and signs erected in conjunction with a political election subject to the following requirements:

(i) No such sign shall exceed twelve (12) square feet in area.

(ii) Signs shall be removed within two (2) weeks after the date of exhibit, show event, or election.

(iii) No permit shall be issued for the erection of such signs until a deposit shall be made with the Village Clerk in accordance with a fee schedule adopted by the Village Board to guarantee removal within the time prescribed. Failure to remove such signs within the time prescribed shall result in forfeiture of the deposit.

(iv) No such sign shall be posted earlier than two weeks before the occurrence of the event to which it relates.

(3) Official traffic signs and other official federal, state, county, village, or town government signs.

Section 705 On-Premises Signs Permitted in Industrial and Commercial Districts Identifying a Business Industry.

(a) Free standing and attached signs to a building shall not exceed one square foot per linear foot of lot frontage.

(b) In no case shall any single sign exceed 200 square feet in area.

(c) Special temporary promotional devices, signs or displays such as banners and pennants shall be permitted up to 30 days and then removed by the owner.

Section 706 Off-Premises Signs

No off-premises advertising signs will be permitted.

Section 707 General Sign Regulation

The following requirements shall apply to all signs unless noted otherwise.

(a) No sign shall have visible moving or moveable parts or flashing, animated, or intermittent illumination.

(b) No sign shall project more than twelve (12) inches out from the wall to which it is attached. Signs not exceeding two (2) square feet in area may be placed perpendicular to a building face if attached to and below a canopy projection from said building.

(c) No sign shall be located within ten (10) feet of any side property line.

(d) Height of on-premises signs in Commercial (C) and Industrial (I) Districts shall not exceed twenty (20) feet. Height of off-premises signs in Commercial (C) District shall not exceed twenty (20) feet in height from the ground level.

(e) All signs except temporary signs shall be constructed of durable material and kept in good condition and repair.

(f) All nonconforming signs in the Commercial and Industrial Districts shall be replaced with conforming signs or removed within a five (5) year period from the date of enactment of this Ordinance.

(g) All nonconforming signs in the Residential and Agricultural Residential Districts shall be removed within a five (5) year period from the date of enactment of this Ordinance.

ARTICLE VIII NONCONFORMITIES

Section 800 Definition

(a) Nonconforming Structure of Lot. --A structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance 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 Ordinance 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 Ordinance for the district in which it is located, but which was in existence at the effective date of this Ordinance and was lawful at the time it was established.

Section 801 Continuation

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

Section 802 Improvements

No improvements shall be made to structures now in existence on lands formerly under the lake shore of Cayuga Lake (as title to said property is deemed to be vested in the State of New York).

Section 803 Alteration or Extension

(a) A use of land or structure which does not conform to the regulations 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 nonconforming.
- (2) Any increase in volume, area, or extent of the nonconforming use shall not exceed an aggregate of more than twenty-five (25) percent of the area allocated to a nonconforming use. except as applied to mobile homes. Expansion of existing mobile homes shall be governed by the existing Mobile Home Ordinance.

(3) Any increase in volume, area, or extent of the nonconforming use shall be in accordance with the other provisions of this Ordinance.

(b) A structure which does not conform to the regulations of this Ordinance may be altered, reconstructed, or enlarged, provided that no such nonconformity is increased beyond its extent on the date that it became nonconforming, provided that is the use or structure also falls under paragraph (a) of this Section any change shall be subject to the provisions of that paragraph.

Section 801 Restoration

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 Ordinance. Structures 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 nonconforming use subject to the following provisions:

(a) The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided.

(b) Reconstruction shall begin within one year from the date of the damage and shall be carried on without interruption.

Section 805 Abandonment

Whenever a nonconforming use has been discontinued for a period of one year and such use has been abandoned, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

Section 806 Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions.

(a) Such change shall be permitted only by special permit.

(b) The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where such nonconforming use is located.

(c) The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:

- (1) Traffic generation and congestion including truck, passenger car and pedestrian traffic.
- (2) Noise, smoke, dust, noxious matter, heat, glare, vibration.
- (3) Storage and waste disposal
- (4) Appearance

Section 807 Displacement

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

Section 808 District Changes

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 nonconforming uses or structures existing therein.

ARTICLE IX ADMINISTRATION

Section 900 Zoning Officer - Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Village Board. It shall be the duty of the Zoning Officer who shall have the power to:

(a) Receive and examine all applications for Zoning Permits and to refer applications to the Planning Board for review and recommendation when deemed advisable.

(b) Issue Zoning permits and certification of occupancy only when there is compliance with the provisions of this Ordinance and with other Village Ordinances provided, however, the issuance of a Zoning Permit shall not be deemed a waiver of the requirements of any Village Ordinance.

(c) Review applications for special permits and forward these applications to the Board of Appeals for action thereon.

(d) Following refusal of a permit, to receive applications for appeals from alleged error of the Zoning Officer and variances and forward these applications to the Board of Appeals for action thereon.

(e) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.

(f) Issue stop, cease, and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of this Ordinance. 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 Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.

(g) 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.

(h) Revoke by order, a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.

(i) Maintain a map showing the current zoning classification of all land.

(j) 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.

Section 901 Zoning Permits

No structure shall be erected, constructed, reconstructed, 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.

No permit shall be considered as complete or as 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 Ordinance.

Zoning permits shall not be required for: constructing completely detached accessory buildings more than forty (40) feet from a lot line; alterations when there is no increase in ground floor exterior dimensions or change in use; maintenance work; painting; clearing woodlands; tilling the soil; constructing fences, terraces, steps, or other similar features; landscaping. However, all such activities shall conform with the requirements of this Ordinance.

Zoning permits shall be issued with a two (2) year life, however, that if work is not commenced within three (3) months after issuance of the Zoning Permit, the permit shall automatically expire and a new permit shall be required before such work or change in use commences.

Section 902 Certification of Occupancy

No land shall be used or occupied and no building hereafter erected, 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 Ordinance and any other pertinent ordinance of the Village of Union Springs.

Section 903 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. The application shall:

- (1) Include a statements 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 tines.
- (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 theproposed use, change in use, erection, alteration, or addition complies with the provisions of this Ordinance.

(b) No permit for any new use or construction which will involve the on-site disposal of sewage or waste and no permit for 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 shall be issued until a certificate of approval has been issued by the County Department of Health.

Section 904 Issuance of Zoning Permits

Zoning permits shall be granted or refused within fifteen (15) days after the written application has been filed with the Zoning Officer, except as provided for special permit applications. 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.

Section 905 Fees

The applicant for a Zoning Permit shall, at the time of making application, pay to the Zoning Officer for the use of the Village a fee in accordance with a Fee Schedule adopted by resolution of the Village Board as such schedule may be amended by resolution of the Village Board.

ARTICLE X BOARD OF APPEALS

Section 1000

The Village Board shall establish a Zoning Board of Appeals which shall be composed and function in accordance of Section 179-b of Village Law.

Section 1001 Powers and Duties of the Zoning Board of Appeals Regarding Special Permits

(a) To hear and decide upon applications for special permits for any of the uses for which this Ordinance requires the obtaining of a special permit from the Board.

(b) Applicant shall have the burden of proof in establishing his right to a special permit.

(c) General Requirements and Standards applicable to all Special Permits:
The Board shall grant a special permit only if it finds adequate evidence that any proposed use submitted for a special permit will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall among other things require that any proposed use and location be:

(1) 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.

(2) 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.

(3) In conformance with all applicable requirements of this Ordinance.

(4) 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.

Section 1002 Review by Planning Board on Application for Special Permits

The Board of Appeals shall request an advisory opinion from the Planning Board on any application for a special permit, the Planning Board is to submit a report of such advisory opinion prior to the date of a public hearing held by the Board on an application.

Section 1003 Powers and Duties of Zoning Board of Appeals Regarding Variances

The Board in accordance with Section 179-b of Village Law may authorize upon appeal, in specific cases such variance from the terms of this Ordinance as will not be contrary to public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. The applicant shall have the burden of proof in establishing the right to a variance.

ARTICLE XI AMENDMENTS, PENALTIES, REPEALER, AND EFFECTIVE DATE

Section 1101 Amendments

This Ordinance may be amended as provided by Village Law. Any proposed amendment shall be submitted to the Village Planning Board for a report before being acted upon by the Village Board.

Section 1102 Violation and Penalties

Any person, firm, corporation or other, violating any provision of this Ordinance shall be deemed guilty of a violation and upon conviction thereof shall be subject to a fine of not exceeding fifty (50) dollars per diem, or imprisonment for a period not exceeding fifteen (15) days or both fine and imprisonment. Each weeks continued violation shall constitute a separate additional violaiton.

In addition to other penalties, the Village of Union Springs may institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration or use of any building or land in violation of the requirements of this Ordinance.

Any person who fails to secure a building permit, a special permit, a variance as required by local law shall be subject to a fine of not less than \$50.00 and no more than \$250.00.

The Zoning Officer and/or Building Inspector is hereby authorized to issue "Stop Work Orders" in the event any person violates the term of the local law. In the event any person continues work in violation of the "Stop Work Order," and said person is found to have violated the term of the local law or the terms of the special permit or variance said person shall be subject to a penalty of not less than \$250.00 and not more than \$500.00 in addition to the penalties here and above set forth.

Seciton 1103 Zoning Referral to Cayuga County Planning Board

As required under Section 239-M of the General Municipal Law, the Board of Appeals shall refer certain applications for variances or special permits as described herein to the County Planning Board for a report before acting thereon. The Board shall refer such applications for variances and special permits affecting land within five-hundred (500) feet from the boundary of the village or town, or from the boundary of any county or state park or other recreation area, or from any county or state parkway, expressway, throughway, or other limited access highway, or from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from any county or state lands on which a public building or institution

is situated. Within thirty (30) days of referral, the County Planning Board shall report its recommendation to the Board of Appeals supporting its recommendations with a full statement of its reasons. If the County Planning Board fails to report, the Board of Appeals may proceed to take action. If the County Planning Board disapproves the proposed variance or special permit, or if the County Planning Board recommends modification, the Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

The Union Springs Village Board shall before taking any action on a proposed zoning amendment, refer it to the Cayuga County Planning Board if it meets the criteria of General Municipal Law.

Section 1104 Validity

Should any section, subsection, sentence, clause, phrase, or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 1105 Repealer

The Ordinance effective on November 29, 1973 and entitled Zoning Ordinance of the Village of Union Springs and all other amendments are hereby repealed. All other existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further are hereby repealed.

Section 1106 Effective Date

This Ordinance shall take effect 10 days after its adoption.

