

**TOWN OF SCIPIO  
ZONING REGULATIONS**

**ARTICLE I  
General Provisions**

Section 101-1 Title; preamble, repealer; purpose; conflict with state law.

- A. Title. This Local Law No. 01-2015 shall be known and may be cited as the “Town of Scipio Zoning Law.”
- B. Preamble; repealer. This local law is enacted pursuant to the authority and power conferred by Municipal Home Rule Law of the State of New York, Article 2, Section 10 et seq., and Chapter 62, Article 16 of the Consolidated Laws of the State of New York and for each and every purpose therein specified, the Town Board of the Town of Scipio does hereby repeal the Town of Scipio Zoning Ordinance, and all amendments thereto, heretofore enacted by the Town Board of the Town of Scipio and does hereby enact the following comprehensive local law regulating the location, alteration, occupancy and use of buildings, structures and land for trade, commercial, industrial, office, residential, farming and other purposes.
- C. Purpose. This local law is enacted for the purpose of regulating and restricting the location, construction and use of buildings and structures and the use of land in the Town of Scipio and for said purposes divides the Town into districts.
- D. Conflict with state laws. To the extent that any provisions of this local law are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, Sections 261 through 268, 274-a through 281, the Town Board of the Town of Scipio hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, Section 10 et seq. of the Consolidated Laws of the State of New York.

Section 101-2 Effect on other laws; special agreements; previously existing building lots.

- A. In their interpretation and application, the provisions of this local law shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that when this chapter imposes a greater restriction on the use or regulation of structures or land or on the heights of structures, or requires larger open spaces, or imposes any higher standard than are imposed or required by any other statute, law, ordinance, rule, regulation or by any easement, covenant or agreement, the provisions of this chapter shall control. Where the requirements of this chapter differ from the requirements of another

statute, law, ordinance, rule or regulation, the more restrictive shall govern. Where additional regulations exist (or are enacted) in other local laws, these regulations are deemed to supplement the additional regulations so enacted and must be observed in context with this local law. However, in all cases where competing or conflicting regulations are encountered, the more restrictive regulation shall be observed.

- B. The passage of these regulations 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.

**ARTICLE II**  
**Establishment of Districts**

Section 102-1 Description of districts.

- A. Land use districts. For the purpose of these regulations, the Town of Scipio is hereby divided into the following land use districts:
  - (1) Agricultural/Residential District (ARD). The purpose of this district is to allow for continued agricultural and residential uses at medium to low density, managed community growth in compact development patterns including clustered residential or agricultural business uses, with conservation of open space and farmland resources.
  - (2) Hamlet District (HD). The purpose of this district is to sustain and encourage the traditional mix of residential uses and community facilities in the historic settlements of Scipio Center, Sherwood and Scipioville while preserving the existing rural character of these areas. The designation seeks to allow adaptive reuse and conversion of older homes while employing “good neighbor” performance standards and site design standards that promote attractive new development, as well as compatible modifications to existing structures. The intent of this district is to encourage a diverse mix of complimentary uses in the Hamlets, and to protect the vernacular character and scale of buildings and their unique settings, thereby preserving tangible linkages to the Town's historic, architectural and cultural heritage. While currently reliant on on-site septic systems and water wells, if public water or sewer, or alternative wastewater approaches such as non-contiguous or clustered systems are approved by all regulating authorities, they are encouraged within the district to facilitate a compact and walkable growth pattern for desired existing and planned future small-scale, locally-oriented, commercial uses mixed with compatible residential uses.

B. Overlay districts.

- (1) In addition to these land use districts, the following overlay district is hereby created:
  - a. Waterfront Conservation Overlay District (WCOD). Within the Town of Scipio, there are two (2) watersheds that feed public drinking water resources: Owasco Lake Watershed and Cayuga Lake Watershed, including parts of five (5) of its northeastern subwatersheds. This district is intended to protect water quality, steep and forested slopes, and to conserve the most ecologically important and developmentally restricted lands within the Town of Scipio in their natural state and for land extensive and water-dependent open space uses. It encompasses the lands to the east of West Lake Road (NYS 38) and all adjacent lands with slopes of 15% or greater and other lands to include sloping lands lying within 1,000 feet of the high-water mark of Owasco Lake. It encompasses additionally those lands within 100 feet of the principal stream corridors within the Town (*i.e.* Salmon Creek, Great Gully Creek and tributary streams to Owasco Lake and Cayuga Lake).
- (2) Floating overlay zones. A floating overlay zone district defines a use that the community wants to encourage. The floating zone can be affixed to a qualifying parcel of land upon recommendation by the Planning Board and approval by Town Board. Floating zones are distinct from overlay zones because of several features, the most significant of which is that floating zones are not mapped until legally placed, while overlay zones are mapped.
  - a. Light Industrial/Commercial Overlay District (LICOD). The purpose of this overlay district is to allow Light Industrial and Commercial Uses in the ARD and HD Districts by Special Permit under the specific circumstances.
- (3) Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated in this chapter. They are not intended to prohibit development, but rather to assure that the siting and design of development is sensitive to environmental resources and does not preclude possible future public acquisition or use. On any given parcel of land, more than one overlay district may apply.

Section 102-2 Zoning maps.

Unless otherwise so stated, the boundaries of these districts are hereby established on the maps titled "Town of Scipio Zoning Map - Base Zones and Overlay Zones," adopted by the Town Board and certified by the Town Clerk, which accompany and are hereby declared to be a part of this local law.

Section 102-3 Interpretation of district boundaries.

- A. Location of boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map(s), the following rules shall apply:
  - (1) Boundaries indicated as approximately following the center line of streets or highways shall be construed to follow such center lines.
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
  - (3) Boundaries indicated as following shorelines of streams, lakes, and reservoirs shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
  - (4) Where overlay districts or other boundaries are based upon natural features, such as slopes, topographic contour lines, watershed boundaries, soil types or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.
- B. Lots in more than one district. Where a land use district boundary line divides a lot in a single ownership existing at the time of enactment of this local law, the use authorized on and the district requirements of the less restricted portion of such lot may extend up to a maximum of 50 feet into the more restricted portion of the lot. This provision shall not apply to overlay district boundaries.

**ARTICLE III**  
**Definitions and Rules of Interpretation**

Section 103-1 Rules of Interpretation.

Subject to the provisions of Article I thereof, in the interpretation of this local law, the following rules shall apply:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural and the plural the singular.

- C. The word “person” includes an individual, firm, partnership, association or corporation.
- D. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
- E. The word “lot” includes the word “plot” or “parcel.”
- F. A building or structure includes any part thereof.
- G. The term “used” or “occupied,” as applied to any land or structure, shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- H. The word “shall” is intended to be mandatory.
- I. The word “and” indicates that all connected items, conditions, provisions or events shall apply.
- J. The word “or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- K. The words “either . . . or” indicates that the connected items, conditions, provisions or events may apply singly but not in any combination.
- L. The word “Town” means the Town of Scipio, New York.
- M. The word “County” means the County of Cayuga, New York.

In the case of any difference of meaning or implication between the text of this local law and any caption, illustration or table, the text shall control.

Section 103-2 Definitions.

As used in this local law, the following terms shall have the meanings indicated:

**Adjusted Tract Area** - The gross tract area minus the constrained land.

**Accessory Dwelling Unit** - 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 Dwelling Unit.

**Accessory Use** - A use that is incidental to and customarily found in connection with the principal use. An accessory use must be conducted on the same zoning lot as the principal use to which it is related.

**Agricultural Data Statement** – A written statement to accompany any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District, including: name of applicant; mailing address; description of the proposed project; project site address; project site tax map number and whether the project is located on the property, within an Agricultural District containing a farm operation, or with boundaries within 500 feet of a farm operation located in an Agricultural District; number of acres affected by project; whether any portion of the project site is currently being farmed and, if so, how many acres or square feet; name and address of any owner of land containing farm operations within the Agricultural District and located within 500 feet of the boundary of the property upon which the project is proposed; and a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified.

**Agricultural Uses** - Any activity connected with the raising of crops, livestock, livestock products and farm woodland, as defined in Section 301 of the New York State Agriculture and Markets Law.

**Arterial Road** - A road designed to carry longer-distance flows between important centers of activity.

**Artisan Use** - Practice of a skill in an applied art; a craftsperson.

**Bed-and-Breakfast Home** - A dwelling having a resident host in the primary dwelling of a private single-family or two-family home in which at least one (1) and not more than four (4) rooms are provided for overnight guest accommodations, and in which no public restaurant is maintained. The Bed-and-Breakfast Home shall not have more than eight (8) occupants as lodgers. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

**Building** - A structure having a roof which is used or intended to be used for shelter or enclosure of persons, animals, or property. The word “building” shall include any part thereof.

**Building Line** - A line drawn parallel to any front boundary along the front face of a building or through the point on a building closest to the front boundary.

**Camp** - Any temporary or portable shelter, such as a tent, recreational vehicle, or trailer.

**Community Services** - Land uses directly beneficial to the public and supportive of community health, safety, welfare, education, or quality of life such as libraries, fire stations, places of worship, health centers, museums, theaters, parks, trails, and waterfront access.

**Conservation Land** - Lands protected from development under permanent easement that may include pasture, woodland, field, nature or game preserves, wildlife sanctuaries, village greens, public parks, and non-commercial recreation areas; agricultural, horticultural or silvicultural uses including raising of crops or livestock [commercial livestock including swine, poultry, mink and others producing highly offensive odors excluded], wholesale nurseries, farm markets, and associated buildings.

**Constrained land** - Land that features development limitations due to the existence of rights-of-way of existing public streets or highways; existing or proposed overhead rights-of-way of utility lines; existing private streets; State- or Federally-regulated Wetlands; Regulatory Floodways; Floodplains; Steep or Moderately Steep Slopes; or Extensive Rock Outcroppings.

**Corner Lot** - A parcel of land fronting on the junction of two or more intersecting streets.

**Detached Dwelling** - A single place of residence within a building from ground to roof that also has independent outside access, and is unattached to other buildings on all sides.

**Dock** - A structure projecting from or along the shore into the water of Owasco Lake and including piers and wharfs used as a berthing place for boats to load or unload.

**Dwelling** - A building designed or used exclusively for one or more places of residence.

**Dwelling Unit** - Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

**Elder Cottage** - A small (under 950 sq. ft) self-contained dwelling unit designed for installation on the same property as an existing single-family home usually located at the side or back of a family member's home on the same lot, for use by a relative for whom members of the family are providing assistance and care.

**Elderly Congregate Housing** - A type of housing in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities.

**Extensive Rock Outcroppings** - Rock outcrops and boulder-fields more than 1,000 sq. ft. in area

**Family** – One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

**Flag Lot** - A lot with road frontage that is limited to a width that substantially accommodates an entry drive only, and where the remaining bulk of lot area is located behind a road frontage lot.

**Floodplain** - The non-wetland portion of any FEMA 100 year floodplain (area subject to a 1% probability of a certain size flood occurring in any given year).

**Gasoline Service Station** - A facility used and designed for the dispensing of gasoline or other petroleum products or the servicing, repairing or performing similar work upon motor vehicles.

**Heavy Industrial Use** - A use characteristically employing some of, but not limited to the following: smokestacks, tanks, distillation or reaction columns, chemical processing or storage equipment, scrubbing towers, water-treatment or storage lagoons, reserve pits, and derricks or rigs, whether temporary or permanent. Examples of heavy industry include, but are not limited to: chemical manufacturing, oil or gas drilling, oil refineries, natural gas processing plants and compressor stations, petroleum and coal processing, coal mining, and steel manufacturing. Generic examples of uses not included in the definition of “heavy industry” include, but are not limited to: milk processing plants, dairy farms, woodworking and cabinet shops, motor vehicle repair shops, wineries and breweries, and equipment repair and maintenance structures. Agriculture and logging are not considered “heavy industry” uses.

**Lakefront Marina** - a dock or basin providing secure moorings for boats and/or offering supply, repair, and other boat-related facilities.

**Local Street (or Road)** - A public way not identified as a collector or arterial on any official county or state document, or a street on an approved subdivision plan which will be built to the standards for local streets, or a private way approved by the Planning Board.

**Lot** - A parcel of land used or set aside and available for use as the site of one or more buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, not including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such way is the owner of the lot. A lot for the purpose of this local law may or may not coincide with the lot of record.

**Lot Line** - Any boundary line of a lot.

**Lot Width** - The width of the lot between the side lot lines at the front of the building.

**Minor Project** - Proposed development of land that is not a Major Project as defined below.

**Major Project** - Any proposed development of land over one (1) acre, or with any new road, or building of 5,000 square feet or more.

**Major Motor Vehicle Repair** - Any maintenance, repair or replacement not listed in the definition of “minor vehicle repair” in this subsection, including, but not limited to, the removal of engines, rebuilding of engines, repair of the internal components, repair or removal of differentials or axles, dismantling of vehicles, and body work.

**Major or Minor Collector Road** - Low-to-moderate-capacity roads that serve to move traffic from local streets to arterial roads. Unlike arterial roads, collector roads are designed to provide access to residential properties.



**Minor Motor Vehicle Repair** - Maintenance, repair or replacement of the alternator, generator, starter, water pump, battery, brakes or part thereof; minor tune-up (which consists of distributor cap, rotor and spark plug replacement); change of oil and filter, fan belt, or hoses; lamp replacement; repair of flat tires; lubrication.

**Minor Subdivision** - Any subdivision in which (i) no public or private street is constructed or is required to be widened; (ii) no other completion of public improvement or guarantee thereof is required other than individual on-lot stormwater management systems; (iii) no earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and (iv) no more than three (3) lots are created.

**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.

**Mobile Home Park** - Any court, park, place, lot, or parcel under single ownership which is improved for the placement of two (2) or more mobile homes to be used as permanent residences.

**Moderately Steep Slopes** - Natural ground slopes of between 15% and 25%.

**Multi-Family Dwelling** - A multi-unit dwelling made up of four or more apartments, condominiums, or townhouses.

**Neighborhood Retail Use** - Professional offices, shops (for the sale of goods for use and consumption by the purchaser), and personal or professional services in the Hamlet District not exceeding 1,000 square feet of floor space if in a single-story building, and 1,500 square feet if located in a two-story building, in which the second story may be in residential use. Specifically excluded uses are flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, betting parlors, building supply stores, adult bookstores, and mini-storage facilities.

**Oil or Gas Drilling** - The process of exploration and drilling through wells or subsurface excavations for oil or gas, and extraction, production, transportation, purchase, processing, and storage of oil or gas, including, but not limited to, the following:

- (1) A new well and the surrounding well site, built and operated to produce oil or gas, including auxiliary equipment required for production (separators, dehydrators, pumping units, tank batteries, tanks, metering stations, and other related equipment.
- (2) Any equipment involved in the re-working of an existing well;
- (3) A water or fluid injection station(s), including associated facilities;

- (4) A storage or construction staging yard associated with an oil or gas facility;
- (5) Gas pipes, water lines, or other gathering systems and components including, but not limited to, drip station, vent station, chemical injection station, and valve boxes; and
- (6) Test wells or waste disposal wells associated with oil or gas exploration or production activities.

**Open space** - Land that remains free from development of impermeable areas including paved surfaces such as roads and drives, and structures on foundations other than posts or piers. .

**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.

**Principal Thoroughfare** - NYS Routes 38, 34, and 34B, Wycoff Road, Black Street, Fleming-Scipio Town Line Road, Center Road, and Sherwood Road.

**Principal Use** - The main use for which a building or lot is designated.

**Regulatory Floodway** - Channel of any watercourse and the adjacent land areas designated by FEMA to be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Residential Accessory Use** - Residential accessory uses include any use that is customarily part of a single-family dwelling, including but not limited to swimming pools, workshops, studios, greenhouses, garages, and guesthouses that shall not be used for residential occupancy independent from the principal residence or be rented separately.

**Retail Uses** - Professional offices, shops (for the sale of goods for *use* and consumption by the purchaser), and personal or professional services. Specifically excluded from the category of "retail uses" and service businesses allowed in this subdistrict are flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, betting parlors, building supply stores, adult bookstores, massage parlors, and mini-storage facilities.

**Right-of-way** - Land set aside for use as a street, alley, bike path, foot path, or other means of travel.

**Semi-Detached Dwelling** - Two (2) or three (3) dwelling units attached side-by-side, or stacked on two (2) different levels, and both legally and structurally sharing the built structure between them.

**Special Use Permit** - a specific exception to the zoning regulations from a list (see Attachment I "Use Table") of acceptable exceptions for a particular parcel of land in a district of a particular zoning character, granted by local zoning authority reviews.

**Stable Private** – Facilities for the keeping of horses for personal use and not a horse boarding facility and/or riding arena for commercial purposes.

**Steep Slopes** - Natural ground slopes exceeding 25%.

**Street Line** - The dividing line between the street and the lot; usually it shall be the same as the legal right-of-way.

**Street walls** - Walls constructed of stone, wrought iron, brick, wood or a combination of materials to establish a clear edge to the street where the buildings do not define outdoor space and to separate the street from the private realm (parking lots, trash disposal bins, gardens, and equipment). Street walls shall be between 20 and 40 inches in height and are permitted along the frontage and common lot lines. All street walls shall be as carefully designed as the building facade, with the finished side out (*i.e.* the "better" side facing the street).

**Structure** - 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.

**Temporary Use** - Short term activities permitted subject to the issuance of a Special Use Permit by the Code Enforcement Officer, but in no case for more than 12 months, and that shall comply with the land use permit requirements and development standards that otherwise apply to the property.

**Tenant Houses** - A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

**Timber Harvesting** - The cutting down of standing trees of eight (8) inches in diameter at four (4) feet above ground level for commercial sale.

**Traditional Neighborhood Development (TND)** - Compact, pedestrian-oriented development that provides a variety of uses, diverse housing types, and is anchored by a central public space and civic activity. TND is based on the principle that neighborhoods should be walkable, affordable, accessible, distinctive, and true to the significant historic context of the community.

**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.

**Vehicular Access Point Driveway** - A short road leading from a public road or street to a house or garage.

**Yard** - An open space on the same lot with a structure, unobstructed from the ground up, and extending the entire length of the street line. Required yard size shall be measured as the shortest distance between the structure and a lot line or street line.

**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.

**Yard, Rear** - A yard between a structure and a rear lot line extending the entire length of the rear lot line.

**Yard, Side** - A yard between a structure and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage, or a lot of irregular shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

## **ARTICLE IV District Regulations**

Section 104-1 Allowable uses.

- A. Purpose. It is the purpose of this local law to allow flexibility of land use consistent with the specific district regulations set forth herein and the Comprehensive Plan. Therefore, most nonresidential uses are allowed only upon the granting of special permits and/or a site plan approval permit. It is the responsibility of the Town Board and the Zoning Board of Appeals, as the case may be to attach such reasonable conditions as may be necessary to ensure that a proposed use will be compatible with its surroundings, with the purposes of this local law and with the Comprehensive Plan. Such Boards shall deny any proposed use which they find will not or cannot be operated in a manner that satisfies the criteria in this local law.
- B. Use Restrictions and Use Table. No structure or land shall be used except as provided under the individual use designations established hereinafter under the various district classifications and overlay district classifications. In the event that a particular proposed use does not fit into one of the categories set forth in this local law, such use shall be prohibited and shall require a use variance and site plan approval as may be applicable.
- C. Accessory Uses. Uses customarily incidental and clearly subordinate to principal uses as provided in this local law shall be allowed on the same terms as the principal uses except as otherwise indicated in this local law.
- D. Mixed Uses. The Town of Scipio permits the mixing of uses where such mixing does not create land use conflicts. Mixed use shall be allowed subject to the special use permit and site plan approval requirements for each particular district or overlay districts.

- E. Change of Use. A special use permit shall apply only to the use for which it has been granted. A new special use permit is required for any subsequent change of use where a change of use is permitted.
- F. One Principal Use and Structure Per Lot. No lot may contain more than one (1) principal use and structure with appurtenant accessory use or uses and structure as may be provided for that particular district unless otherwise specified herein.

**ARTICLE V**  
**Agricultural/Residential District (ARD)**

Section 105-1 Permitted structures and uses.

- A. Accessory Use
- B. Dwelling, Single Family;
- C. Dwelling, Two Family;
- D. Farm and Farming;
- E. Home Occupation in a Dwelling (subject to the provisions of Section 110-4);
- F. Residential Accessory Use;
- G. Silviculture and associated processing; and
- H. Stable Private.

Section 105-2 Permitted uses by special permit.

- A. Animal Day Care, Kennel or Shelter;
- B. Bed-and-breakfast home;
- C. Cemetery/Crypt;
- D. Dwelling, Multi-Family
- E. Educational Facility;
- F. Emergency Service Facility;
- G. Family Day Care Home;
- H. Stable Private;

- I. Golf Course/Country Club;
- J. Municipal or public facility;
- K. Professional Office or Service;
- L. Religious Use;
- M. Temporary Use;
- N. Temporary Outdoor sale; and
- O. Veterinary Practice (Animal Hospital, Animal Clinic).

Section 105-3 Lot, area and yard regulations (subject to all applicable Overlay District Regulations). (See Table 105.A).

**ARTICLE VI  
Hamlet District (HD)**

Section 106-1 Permitted structures and uses.

- A. Accessory dwelling unit;
- B. Accessory use;
- C. Artisan use;
- D. Athletic Field and Active Recreation;
- E. Dwelling, Single Family;
- F. Dwelling, Two Family;
- G. Elderly congregate housing;
- H. Family Day Care Home;
- I. Farm and Farming;
- J. Home Occupation in a Dwelling;
- K. Library;
- L. Municipal or public facility;

- M. Professional Offices or Service;
- N. Religious Use;
- O. Retail, professional office, and personal or professional service in buildings of 2,000 sq. ft. or less (but up to 3,500 sq. ft. if in buildings of two or more stories facing the street);
- P. School; and
- Q. Silviculture & associated processing.

Section 106-2 Permitted uses by special permit.

- A. Bed-and-breakfast home;
- B. Elderly congregate housing designed to be compatible with regional historic building traditions (*reference: A Field Guide To American Houses*, McAlester, 1997 Knopf, New York);
- C. Multi-family dwelling sited to front directly onto streets (rather than parking areas), and compatible with regional historic building traditions (*reference: A Field Guide To American Houses*, McAlester, 1997 Knopf, New York);
- D. Neighborhood retail not exceeding 1,000 sq. ft. floor space if in a single-story building, and 1,500 sq. ft. if located in a two-story building, in which the second story may be in residential use;
- E. Public utilities facility;
- F. Recreation and Entertainment facility (Indoor/Outdoor);
- G. Restaurant;
- H. Temporary use;
- I. Temporary outdoor sale; and
- J. Transportation.

Section 106-3 Additional regulations.

- A. Hamlet Uses. Uses in the Hamlet District are intended to provide for a range of complementary uses and shall consist of Residential and Commercial/Mixed-Uses. These uses are intended to provide for the diversity necessary for

traditional village life while maximizing the interactions among related uses and minimizing the adverse impacts of different uses upon each other.

- B. Housing Types. Within the Hamlet District up to 10% of all new dwelling units may be designed as semi-detached dwellings, and a further 5% may be designed as three- or four-family dwellings. If an applicant elects to construct semi-detached and/or multi-family dwellings, such dwellings shall be designed to be compatible with the massing, size, scale, and architectural characteristics of regional historic building traditions (*reference: A Field Guide To American Houses*, McAlester, 1997 Knopf, New York).
- C. When different housing types are proposed in the Hamlet District, they shall be integrated and compatible with the massing, size, scale, architectural and location characteristics of the existing streetscape as single-family dwellings and nonresidential buildings, and not isolated from each other in separate areas.
  - (1) Waiver of Housing Type Percentages. The Planning Board, upon request by the applicant, may modify housing type percentages within the spirit of the Conservation Regulations, when the applicant demonstrates that such waivers shall not substantially diminish the traditional character of the proposed development.
- D. Locational Considerations for Hamlet Uses. Commercial/Mixed-Uses in the Hamlet District shall be located so they are easily accessible by pedestrians from as much of the residential areas as possible (preferably within 1500 feet of the intersection of roads in the Hamlet). Nonresidential uses that are intended to serve an area beyond the Hamlet District shall be located to permit vehicular access from outside the Hamlet District without passing through residential streets. This part of the Hamlet District may be located close to state highways.
- E. Integrating uses. To meet the retail and service needs of a traditional village center and its vicinity within one- and two-story buildings, and contain other compatible uses such as civic and institutional uses of community-wide importance, such uses shall be located either at the approximate center of one of the aforementioned Hamlets, or at the edge, near an existing Major or Minor Collector Road (including all state highways). If a Commercial/Mixed-Use is located along such a thoroughfare, parking areas shall be screened from view.
- F. Community Wastewater Systems. In developments to be served by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon the allowable systems of all applicable regulating agencies. Private wastewater facilities are subject to maintenance agreements and documentation, as approved by the Town.
- G. Site Plan: The applicable regulations for Site Plan Approvals as set forth in Article XIV shall apply to all uses where so determined by that law.



Section 106-4 Lot, area and yard regulations (subject to all applicable Overlay District Regulations). (See Table 105.A).

**Table 105.A**

	ARD, HD & WCOD			HD
	Minor Subdivisions (Standard Platting)	Subdivision Option 1: Basic Conservation	Subdivision Option 2: Low Density	Subdivision Option 3: Hamlet Conservation (parcels of 10 acres or less)
Density (Refer also to Section 104)		1 du/80,000 SF of unconstrained land	1 du/10 acres	1 du/28,000 SF of 3/4 unconstrained land (with 1/4 conserved through easement)
Minimum lot area	43,560 SF	Average of 35,000 – 40,000 SF Up to 20% of the lots may be reduced to 30,000 SF	43,560 SF	28,000 SF
Minimum lot width at building line <sup>1</sup>	80 feet	80 feet	80 feet	65 feet
Minimum street frontage	50 feet	20 feet	50 feet	20 feet
Minimum front yard Garage setback <sup>2</sup>	20 feet 10 feet	20 feet 10 feet	50 feet	20 feet 10 feet
Minimum rear yard Accessory Bldgs.	30 feet 10 feet	40 feet 10 feet	30 feet 10 feet	30 feet 10 feet
Minimum side yard	20 feet	5 feet 30' aggregate	5 feet 25' aggregate	5 feet 25' aggregate
Max. height	35 feet	35 feet	35 feet	35 feet
Maximum Impervious Cover	20%	20%	5% of Total Tract or 20,000 SF/du	25%
Building Setback from external road ultimate rights of way		100'	100'	
Building Setback from all other tract boundaries		50'	50'	
Building Setback from cropland or pastureland		100'	50'	
Building Setback from barnyards housing livestock		300'	300'	
Building Setback from Lakeshore (see exceptions in Section 109-10)	50'	50'	50'	

du – dwelling unit

<sup>1</sup> In the case of flag lots, the building line shall be located where the lot equals the minimum width.

<sup>2</sup> For front-facing garages, distance behind the front façade of the primary dwelling.

## **ARTICLE VII Overlay Districts**

Section 107-1 Purpose and adoption.

The purpose of this section is to create a procedure whereby the Town Board may create additional zoning classifications within the Town in the form of an “overlay district.”

- A. Creation of District. An overlay district may be created for the purpose of improving, developing, and/or generally enhancing any group of properties within the Town including but not limited to any neighborhood, street, business area or other defined area of the Town. Properties to be included in any particular overlay district shall generally share common characteristics and goals for aesthetics, environmental resources, economics, safety and/or convenience.
  
- B. Adoption of Overlay Districts.
  - (1) Where an overlay district is created by the Town Board, any such local law which creates an overlay district shall define the purposes, goals, restrictions and requirements that will be applicable to the overlay district.
  
  - (2) Any requirements of an overlay district so created in the Town shall be subject to enforcement in accordance with this Code in the same force and effect as all other zoning districts in the Town.
  
  - (3) For any overlay district, unless specifically noted otherwise, the base zoning shall be secondary and subject to the uses permitted, specifically permitted or otherwise allowed in such overlay district. Similarly, the lot area and yard regulations of the overlay district shall apply to any permitted, specially permitted or otherwise allowed uses unless otherwise stated. In all cases, unless so stated, the most restrictive regulation shall apply.

## **ARTICLE VIII Light Industrial/ Commercial Overlay District (LICOD)**

Section 108-1 Permitted structures and uses.

- A. Accessory use;
  
- B. Artisan use;

- C. Athletic Field and Active Recreation;
- D. Construction Service (which use shall not allow the outdoor storage of construction materials or equipment);
- E. Elderly congregate housing;
- F. Family Day Care Home;
- G. Farm and Farming;
- H. Private Club; and
- I. Retail, professional office, and personal or professional service in buildings of 2,000 sq. ft. or less (but up to 3,500 sq. ft. if in buildings of two or more stories facing the street);
- J. Silviculture & associated processing; and
- K. Stable Private.

Section 108-2 Permitted uses by special permit.

- A. Adult use;
- B. Animal day Care, kennel or shelter;
- C. Assembly, fabrication or packaging of previously prepared materials;
- D. Hotel and motel;
- E. Light manufacturing;
- F. Manufacturing;
- G. Outdoor seating/ assembly area;
- H. Packaging of pharmaceutical and/or food products;
- I. Professional Office or Service;
- J. Public Utilities Facility;
- K. Recreational and entertainment facility (Indoor/Outdoor);

- L. Restaurant;
- M. Sawmill;
- N. School;
- O. Temporary outdoor sale;
- P. Transportation;
- Q. Warehouse; and
- R. Welding.

Section 108-3 Additional regulations.

- A. Site plan. The applicable regulations for site plan approvals as set forth in Article XIV shall apply to all uses where so determined by that law.
- B. In accordance with Article XIV, the Planning Board shall review special permit applications within the District and render recommendations to the Town Board. If the proposed use is regulated by any State or Federal agency, the definitions of such use and all applicable regulations under State and Federal law shall apply.

Section 108-4 Lot, area and yard regulations (subject to all applicable Overlay District Regulations). (See Table 105.A).

**ARTICLE IX**  
**Waterfront Conservation Overlay District (WCOD)**

Section 109-1 Purpose.

To establish regulations on land uses within the Owasco and Cayuga Lake Watersheds and the Riparian Corridors of lake tributary streams, to assure the protection of the quality of these water resources from nonpoint and point source pollution that can occur when runoff from land within the watershed flows into the lakes, carrying sediment and other pollutants that adversely affect water quality, to minimize excessive and incompatible development in fragile lakefront areas, to protect the natural and aesthetic beauty of the lakeshore in the Town of Scipio for all of the citizens of the community to enjoy, and to enhance the experience provided to those living near, and those who use the resource provided by Owasco and Cayuga Lakes.

Section 109-2 Property rights protection.

- A. Nothing in this law shall give the Town the right to enter upon, use, or condemn any property in the Waterfront Conservation Overlay District (WCOD).

- B. Nothing in this Article shall authorize the Town to require that land in the WCOD be dedicated to public use, except as may ordinarily occur in connection with laying out street rights-of-way, sidewalks, utility easements, and drainage ways.
- C. The Town may negotiate with landowners for the voluntary sale or donation of land or interests in land (including conservation easements) and may require that land be reserved from development in connection with any land use approval, consistent with the requirements of the Fifth and Fourteenth Amendments of the United States Constitution, the New York State Constitution, and other applicable laws.

Section 109-3 Planning considerations.

- A. In considering an application for any form of development, the reviewing board or official shall take into consideration the importance of protecting the Town's stream corridors and Owasco and Cayuga Lakes as water resources, wildlife and plant habitat, scenic area, and potential trail corridor and may require the applicant to locate structures and take other necessary measures to protect these resources. Such measures may include requiring a conservation subdivision process.
- B. In order to fulfill the purposes of this local law, Zoning Board of Appeals may modify front yard, side yard, or rear yard setbacks. Under no circumstances, may the Zoning Board of Appeals modify stream setbacks.
- C. The Planning Board shall require designated "no-build areas" on all subdivision plats and site plans, showing areas unacceptable for site disturbance and construction. Within such no-build areas, site disturbance may occur only as needed for trails or as minimally necessary for construction of driveways, utilities, and other structures that cannot practically be located elsewhere. Fences shall not be located in a manner that would hamper the future creation of a trail corridor or easement through the WCOD.

Section 109-4 Conditions and findings.

- A. Before granting approval of any subdivision, special permit, site plan, variance, or zoning amendment that includes land wholly or partially located within the WCOD, the reviewing board shall impose appropriate conditions and make a written finding that the proposed development has been designed in a manner that minimizes damage to the lake and stream corridors and that does not hamper future use of the WCOD for trail purposes.

Such conditions may include a requirement that a conservation easement be granted by the applicant to protect all or a portion of the land within the WCOD. Such conditions shall not deprive the applicant of economically viable use of the property.

Section 109-5 Permitted structures and uses.

- A. Conservation Land;
- B. Dwelling, Single-Family;
- C. Dwelling, Two Family;
- D. Elder Cottage situated in Option 2 Subdivision (Low Density); and
- E. Home Occupation in a Dwelling.

Section 109-6 Permitted uses by special permit.

- A. Lakefront Marina;
- B. Recreational and entertainment facility (Indoor/Outdoor); and
- C. Community Service.

Section 109-7 Permitted uses upon site plan approval.

- A. Any activity for which a building permit is required, or which involves the disturbance of 500 sq. ft. or more of land within 300 feet of the high water mark or a watercourse, shall be required to satisfy the requirements of this section.
- B. Any activity which involves the disturbance of 3,000 sq. ft. or more of land within the Waterfront Conservation Overlay District shall be required to obtain a site plan approval from the Planning Board.

Section 109-8 Administration.

- A. The provisions of this Article shall be administered by the Code Enforcement Officer.
- B. Where an activity is subject to the requirements of this Article and also subject to the review or approval of the Town Planning Board, the Zoning Board of Appeals or other board or official of the Town of Scipio (the "reviewing board or official"), the reviewing board or official shall consider the requirements of this section in making its decision. Where an activity regulated by this section is granted an approval by a reviewing board or official, the approval may include such conditions as may be necessary to ensure compliance with the requirements in this section.
- C. In administering this Article, the reviewing board or official shall consult with appropriate experts as necessary to ensure compliance with this Article. Such

experts may include the Cayuga County Soil and Water Conservation District or other professional engineers, hydrologists, geologists, or specialists in related disciplines. Where an approval by a board is required, the board may charge the applicant for the reasonable cost of such consultation.

- D. Activities regulated by this Article shall comply with applicable regulations of the New York State Department of Environmental Conservation ("DEC") and Cayuga County Health Department ("DOH"), and the proponent shall present evidence of that compliance to the Code Enforcement Officer. If such compliance requires the proponent to make formal submittal to DEC or DOH, the proponent shall request that any response be copied to the Code Enforcement Officer within 30 days of submittal. The Code Enforcement Officer shall forward any such response to the reviewing board or official for consideration in acting on the proposal. If no response is received within 30 days of submittal, the reviewing board or official may act on the proposal without waiting for response.

Section 109-9            Conditions and findings in board approvals.

- A. In granting approval of any subdivision, special permit, site plan approval, variance, or zoning amendment that includes land located within the WCOD, a reviewing board or official shall impose appropriate conditions to ensure that the proposed development has been designed in a manner that minimizes damage to water resources and satisfies the requirements in Subsection 109-12.
- B. Such conditions may include creation of a conservation easement to protect water quality.

Section 109-10        Lakeshore setback zone.

- A. No structure shall be built or expanded within 50 feet of the high water mark, except the following, subject to the restrictions and conditions in Subsections 109-12 and 112-4 (Erosion and Sediment Control and Steep Slopes Regulations) below:
  - (1) Pump houses that do not exceed 50 sq. ft. in floor area;
  - (2) Gazebos, patios and decks on foundations other than posts or piers, which shall be considered structures for the purpose of calculating open space percentage;
  - (3) Impermeable stairways, seawalls, retaining walls and walkways, which shall be considered structures for the purpose of calculating open space percentage;
  - (4) Fences, to the extent granted a special use permit by the Zoning Board of Appeals;

- (5) Storage buildings not exceeding 160 sq. ft. in floor area;
  - (6) Permanent docks and temporary docks;
  - (7) Children's playground equipment not to exceed 100 sq. ft. in overall play area; and
  - (8) Flagpoles.
- B. Additional restrictions and conditions on exceptions in Subsection A(1) through (8) above:
- (1) Minimum open space percentage. Open space within the WCOD shall be no less than 85% for lots of 1 acre or more; 80% for lots of .5 acre up to 1 acre; 70% for lots of .25 acre up to .5 acre; and 60% for lots under .25 acre.
  - (2) Height. No structure located within 50 feet of the high water mark, shall exceed 20 feet in height.
  - (3) No structure shall be permitted offshore other than a temporary or permanent dock, and the stairs leading to such dock. The following general requirements, as well as the specific requirements in Subsection B(4) below, shall apply to all such offshore structures:
    - a. No more than one (1) permanent dock shall be permitted on any lot, except on a lot where a lakefront marina has been approved by special use permit;
    - b. All offshore structures shall be constructed in a manner consistent with the governing side yard setback requirements. The location of the side lot line within the lake shall be determined by extending the property line into the lake on the same axis as it runs onshore, or at a right angle to the high water mark, whichever results in the greater setback;
    - c. All offshore structures shall be constructed or placed in a manner that will not interfere with normal navigation or access to adjacent land or docks; and
    - d. All offshore structures shall be constructed to withstand the forces of flowing water, wave washes and ice.
  - (4) Docks. No dock shall extend offshore from the water's edge more than allowable by NYS law. The maximum surface area of a dock shall be 600



sq. ft., including any walkway, but excluding any portion of the structure which extends inland from the high water mark. No structure shall be constructed on a dock with the exception of a seating bench or benches.

Section 109-11 Lake rights.

No encumbrance, by easement, or right-of-way for ingress and egress, to the lakeshore is permitted in the lakeshore setback zone except for public or private utility.

Section 109-12 Erosion and sediment control.

In order to ensure that land situated within the Waterfront Conservation Overlay District is developed with a minimum amount of soil erosion and sedimentation, for any site plan, special permit, or subdivision application, the Planning Board shall require that an Applicant submit a plan demonstrating compliance with the following control practices:

- A. The Applicant shall provide effective sediment control measures for planning and construction of proposed developments. The following principles shall be applied as deemed appropriate:
  - (1) The smallest practical area of soil shall be exposed (vegetation removed) at any one time during the development.
  - (2) When soil is exposed (vegetation removed) during development, the exposure shall be kept to the shortest practical period of time.
  - (3) Temporary vegetation and other protective measures shall be used to protect critical areas exposed during development.
  - (4) Sediment basins or debris basins (silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on lands undergoing development.
  - (5) Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development by conveyance through filtration beds.
  - (6) Permanent final vegetation and structures shall be installed as soon as practical in the development process.
  - (7) The development plan shall use best practices to ensure that topography and exposure of soils minimize erosion potential.
  - (8) Wherever feasible, natural vegetation shall be retained and protected.

- B. A permit, to be issued by the CEO, is required to grade and/or shape the topography in accordance with Subsection F below.
- C. Design standards. Design standards and specifications for erosion and sedimentation control shall be as specified in the Empire State Chapter Soil and Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control.
- D. All erosion and sedimentation control measures shall be installed prior to beginning any other land disturbances. Such devices shall not be removed until the disturbed land areas are permanently stabilized.
- E. All erosion and sediment control measures shall be periodically inspected by the CEO and shall be maintained by the Applicant or his successors in conformance with an approved schedule, so as to ensure effective operating conditions until such time as they are removed.
- F. Erosion and sediment control measures shall comply with all applicable regulations and permit requirements of the New York State Department of Environmental Conservation. For any construction activity covering more than one acre, the applicant shall file with the DEC, with a copy to the CEO, a notice of intent form 60 days prior to commencing excavation or grading in order to comply with the State Pollution Discharge Elimination System (SPDES) General Permit (GP) No. 02-01.
- G.

**ARTICLE X**  
**Additional Regulations for Certain Specified Uses**

Section 110-1 Purpose.

The purpose of this Article is to provide additional criteria for certain specified uses whether such use is permitted as of right or whether a special use permit (or other land use approval) is required due to the likely impacts to surrounding properties. These criteria are applied to mitigate impacts including noise, parking, traffic, unsightliness, odors, dust, vibrations, light and fumes. The regulations are intended to promote the public health, safety and compatibility with the immediate neighborhood and the larger community and are in addition to any other criteria or regulations with which such use may be required to comply, including site plan approval.

Section 110-2 Existing oil or gas drilling leases and wells.

Any leases of property for the purpose of allowing oil, gas or hydrocarbon resource extraction, or any oil, gas or hydrocarbon resource extraction operations that are being presently conducted on land in the Town as of October 9, 2013 (effective date of prior Local Law), shall be subject to the following:

A. Existing leases:

- (1) Where a lease which allows oil, gas or hydrocarbon resource extraction has been executed and where no substantive oil or gas extraction activity has substantively commenced, this Local Law shall continue to prohibit oil or gas drilling related land uses. The existence of a lease under the circumstances described in this paragraph shall convey no vested right upon either party to the lease.

B. Existing oil or gas extraction operations.

- (1) Where a lease which allows oil, gas, or hydrocarbon resource extraction has been executed, and where substantive oil, gas or hydrocarbon resource extraction using hydraulic fracturing has occurred as of October 9, 2013 (the effective date of prior law), and that extraction is being conducted pursuant to valid permits issued by the New York State Department of Environmental Conservation and all other necessary permits validly issued under the authority of other regulating agencies, the associated oil or gas drilling land uses shall be considered a valid nonconforming use and shall be allowed to continue.
- (2) Upon the depletion of any oil or gas well allowed to remain in operation pursuant to this provision, or upon termination, for a period of more than one (1) year, of oil or gas extraction at a well site allowed to remain in operation pursuant to this provision, the valid nonconforming use status of any oil or gas drilling related land uses at that well site shall terminate and the use may not be renewed.
- (3) No oil or gas drilling related land use allowed to remain in operation pursuant to this provision shall be permitted to expand after October 9, 2013 (the effective date of the prior Local Law).

Section 110-3 Camps.

The number of tents, trailers, houseboats, recreational vehicles, or other portable shelters in a camp shall not exceed the number of single-family dwellings which could be erected on such premises in a conservation subdivision. Camp structures shall be set back at least 250 feet from property lines, unless the property line is the shoreline of a stream or lake, in which case the setback requirements of the Waterfront Conservation Overlay District shall apply.

Section 110-4 Home occupations.

- A. Purpose and intent. The conduct of small-scale low-impact business and professional uses on residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

- (1) Ensure the compatibility of home occupations with other uses;
- (2) Maintain and preserve the rural and historic character of the Town; and
- (3) Allow residents to engage in gainful employment on their properties while avoiding excessive noise, traffic, nuisance, fire hazard, and other possible adverse effects of nonresidential uses.

B. Criteria and standards.

- (1) Home occupation as use permitted by right. Home occupations shall be permitted uses if they are in compliance with the following criteria and standards:
  - a. A home occupation may be conducted only by residents of the dwelling unit plus no more than two (2) nonresident assistants or employees at any one time. A home occupation may be conducted within a dwelling unit and/or within accessory structures. An area no larger than 30% of the floor space of the primary dwelling unit may be occupied by the home occupation, up to a maximum of 1,000 sq. ft.
  - b. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the neighborhood.
  - c. Signs used in conjunction with a home occupation shall not be animated or illuminated and shall not exceed 3 sq. ft.
  - d. Parking shall be adequate for nonresident employees and customers or clients. No business vehicle larger than 12,000 pounds gross vehicle weight may be parked regularly in a location visible from a public road or neighboring properties.
  - e. Automobile and truck traffic generated shall not be greater than the volume of traffic customarily associated with a residential use, unless the residence is located on New York State Routes 38, 34, or 34B.
  - f. There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation, unless screened from the road and from other

properties with a fence or vegetation subject to approval by the Code Enforcement Officer.

- g. No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors, or heat shall occur. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited.
- h. More than one home occupation may be conducted on a lot, provided that the cumulative impact of all home occupations satisfies these criteria and standards.

(2) Home occupation by special permit.

- a. A home occupation occupying an area greater than that permitted in Subsection B(1)(a) above or employing more than two (2) nonresident employees may be allowed by special permit, provided that it satisfies all criteria for the granting of special permits as well as the criteria and standards in Subsection B(1)(a) through (h) above. Such criteria shall become standard conditions of the special permit. In no case shall the area occupied by a home occupation allowed by special permit exceed the lesser of 40% of the floor space of the primary dwelling unit or 2,000 sq. ft.
- b. A special permit granted for a home occupation(s) shall include a condition requiring the operator to obtain an annual operating permit from the Code Enforcement Official beginning in the second year of operation, at a cost to be set by the Town Board and as may be changed from time to time by resolution. Such operating permit shall be granted after the Code Enforcement Official inspects the premises and finds the home occupation(s) to be in compliance with all conditions of the special permit.

Section 110-5 Mobile homes.

A. Mobile home parks.

- (1) Mobile home parks existing as of the date of this Local Law may be continued as provided in Article XV, and new mobile homes may be installed pursuant to plans approved before the enactment of this Local Law. The expansion of an existing mobile home park shall be allowed by special permit.
- (2) New mobile home parks may be permitted after the effective date of this Local Law provided that they obtain a special permit and fully comply with all standards for conservation subdivisions, except as follows:

- a. The number of permitted homes in any mobile home park shall be no more than three (3) dwelling units per acre is the maximum allowable density.
  - b. The minimum protected open space shall be 33%.
  - c. The mobile home park shall provide playground and recreational facilities for the use of residents.
  - d. The maximum number of mobile homes in any mobile home park shall be 60.
  - e. The minimum parcel size shall be 10 acres.
  - f. All mobile homes shall be screened from view from public roads and other publicly accessible land.
  - g. All mobile homes shall be set back at least 100 feet from property lines.
- (3) All new mobile home parks and expansions of existing mobile home parks shall be required to comply with all applicable state and federal regulations and all applicable special permit and site plan review standards and criteria in this chapter. If the mobile home park will involve the creation of separate lots, the Town of Scipio Subdivision Law shall apply.

Section 110-6 Gasoline service stations.

A. Criteria and standards.

- (1) Gasoline sales and service stations may be permitted subject to the issuance of a special permit as provided in Article 17, Section 117-2(A) and subject to the additional requirements hereinafter set forth:
  - a. Side and rear yard setbacks shall be not less than 10 feet in width.
  - b. Screening and/or landscaping shall be provided along all lot lines abutting a side or rear lot line of any residentially zoned or developed property in a manner which largely obscures the gasoline service station and accessory parking areas from all points located on such residential property when viewed from the ground level.

- c. No repairs, other than minor motor vehicle repairs, shall be performed on the premises, and all such repairs shall be performed only within the principal building on the premises as an incidental use. The number of service spaces permitted shall be limited to a maximum of four.
- d. No building, structure or area permitted as a gasoline service station shall be used for major motor vehicle repairs unless such use and operation is expressly authorized by special permit.
- e. The entire parking and service area shall be paved. Side and rear yards shall be landscaped and separated from paved areas by a curb, low wall or other barrier.
- f. No open-air outdoor storage of materials, merchandise and equipment shall be permitted during nonbusiness hours. Storage of materials, merchandise and equipment during nonbusiness hours shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets. Refuse and trash may be stored outdoors at all times only if placed in enclosed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.
- g. No more than five (5) motor vehicles, including partially dismantled or wrecked vehicles, shall be stored at one time in any open area at a gasoline service station, provided that the outdoor storage of a specific motor vehicle shall not exceed 30 days.

**ARTICLE XI  
GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS**

Section 111-1 Setbacks measured.

All front yard setbacks as stated in this local law shall be measured either perpendicular from the road centerline of the abutting road or street, in the case of setbacks from the center of the road to the particular setback structure or, in the case of a setback taken from the property line, from a point perpendicular from the closest portion of the property line as shown on a stamped survey.

Section 111-2 Density and dimensional regulations.

- A. Purpose. The Town of Scipio wishes to preserve its open space, provide opportunities for housing and develop according to the traditional character found in the Town, using flexible regulations for density and lot dimensions.
- B. Standard Subdivisions. Standard subdivisions are subdivisions that use minimum lot size requirements to shape development without setting aside land as permanently protected

open space. The Town wishes to discourage this type of subdivision in new developments because it could have a potentially damaging impact on the Town's rural landscape and natural resources.

- C. Open Space or Conservation Subdivisions. The Town wishes to encourage the use of open space or conservation subdivisions as a preferred alternative to standard subdivisions. Open space or conservation subdivisions result in the preservation of contiguous open space and important environmental resources. Open space and conservation subdivisions must satisfy the standards set forth herein, as well as applicable subdivision regulations and laws.

#### Section 111-3 Conservation design.

- A. Purpose. Conservation design has been created in support of goals set forth in the Town of Scipio Comprehensive Plan including to 'Protect environmental quality, open space & scenic views of farmland and lakes in the Town of Scipio'. The entire Town of Scipio is contained within the watersheds of Owasco and Cayuga Lakes, comprised of scenic and productive agricultural and open space lands that also supply drinking water to public water systems as well as private water wells, groundwater and surface water that is essential to the maintenance of healthy aquatic and terrestrial ecosystems. The purpose of these regulations is to manage development so that environmental quality, open space & scenic views of farmland and lakes in the Town of Scipio are protected in support the goals of the Town's Comprehensive Plan."
- B. Conservation design encompasses the entire Town of Scipio and includes areas that could affect public and private water supplies.
- C. Definitions. For purposes of this Article, the following definitions shall apply:

**Action** - A project or physical activity as defined in the SEQR regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, including all actions subject to SEQR that are covered by this chapter, as well as subdivision applications and other actions requiring local government approval under SEQR.

**Berm** - A level space, shelf, or raised barrier of soil, mulch, or other natural material separating two (2) areas.

**Conditionally Exempt Small Quantity Generators** - As defined by the Resource Conservation and Recovery Act and amendments thereto, sites generating or storing less than 100 kilograms per month and 1,000 kilograms of listed and/or characteristic wastes, respectively, and generating and storing less than one kilogram per month and one kilogram of acutely hazardous waste, respectively.

**Consumption of Water** - The net loss of water from a watershed through evaporation and transpiration processes caused by any human activities and associated land uses, other than open



space uses, including evaporative losses from septic system leaching lines. The definition of "consumption of water" includes the use of water in diluting wastewater discharges so that groundwater quality at the property line down gradient from the discharge will be 50% or less of the New York State Department of Environmental Conservation's Title 10, Part 703, Groundwater (GA) Water Standards, *i.e.* the DEC's groundwater contamination standards.

**Discharge** - Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of substances or materials into the waters of the state or onto lands from which the discharged substances or materials might flow or drain into said waters, or into waters outside the jurisdiction of the state, when damage may result to the lands, waters, or natural resources within the jurisdiction of the state.

**Generator of hazardous waste** - Any person or site whose act or process produces hazardous waste.

**Groundwater** - Water contained in interconnected pores and fractures in the saturated zone in an unconfined aquifer or confined aquifer.

**Hazardous substance** - Any substance, including any petroleum by-product, which may cause harm to humans or the environment when improperly managed. A complete list of all hazardous substances except for petroleum by-products can be found in 6 NYCRR Part 597.2(b), Tables 1 and 2, and amendments thereto.

**Hazardous waste** - *See* 6 NYCRR Part 371 and amendments thereto for the identification and listing of hazardous wastes.

**Herbicide** - Any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, and being those substances defined as herbicides pursuant to Environmental Conservation Law §33-0101, and amendments thereto.

**Large quantity generator** - As defined by the Resource Conservation and Recovery Act and amendments thereto, sites generating more than 1,000 kilograms per month of listed and/or characteristic hazardous wastes, or generating or storing more than one kilogram per month and one kilogram of acutely hazardous waste, respectively.

**Major oil storage facilities** - Facilities with a storage capacity of 400,000 gallons or more of petroleum.

**Natural recharge** - The normal rate at which precipitation enters the subsurface to replenish groundwater in aquifers, without interruption or augmentation by human actions or landscape modifications.

**Nonpoint discharge** - Discharges of pollutants not subject to SPDES (State Pollutant Discharge Elimination System) permit requirements.

**Pesticide** - Any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, and any substances intended for use as a plant regulator, defoliant or desiccant, and being those substances defined as pesticides pursuant to Environmental Conservation Law §33-0101 *et seq.* and amendments thereto.

**Petroleum** - Oil or petroleum of any kind and in any form, including but not limited to oil, petroleum fuel oil, oil sludge, oil refuse, oil mixed with other waste, crude oil, gasoline and kerosene, as defined in 6 NYCRR Part 597.1(7) and amendments thereto.

**Point source discharge** - Pollutants discharged from a point source as defined in Environmental Conservation Law §17-0105 and amendments thereto.

**Pollutant** - Any material or by-product determined or suspected to be hazardous to human health or the environment.

**Radioactive material** - Any material that emits radiation.

**Small quantity generator** - As defined by the Resource Conservation and Recovery Act and amendments thereto, sites not meeting conditionally exempt small quantity generator status but which generate and store less than 1,000 kilograms per month and 6,000 kilograms of listed and/or characteristic wastes, respectively, and generating and storing less than one kilogram per month and one kilogram of acutely hazardous waste, respectively.

**Solid waste** - Generally refers to all putrescible and nonputrescible materials or substances, except domestic sewage, sewage treated through a publicly owned treatment works, or irrigation return flows, that are discarded or rejected as being spent or otherwise worthless, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris and discarded automobiles, as defined in 6 NYCRR Part 360-1.2(a) and amendments thereto.

**State Pollutant Discharge Elimination System (SPDES)** - The system established pursuant to Article 17, Title 8, of the Environmental Conservation Law for issuance of permits authorizing discharges to the waters of the State of New York.

**Wastewater** - Aqueous-carried solid or hazardous waste.

**Watershed** - That land area which encompasses the entire Town of Scipio and that includes the entire drainage area contributing water to the water supply of Owasco Lake, and that area contributing water to the water supply of Cayuga Lake.

**Water supply** - The groundwater resources of the Town of Scipio, the groundwater resources used for a particular well water system, or any surface water resources contributing to any public drinking water supply.

**Well** - Any present or future artificial excavation used as a source of public or private water supply which derives water from the interstices of the rocks or soils which it penetrates, including bored wells, drilled wells, driven wells, infiltration galleries, and trenches with perforated piping, but excluding ditches or tunnels, used to convey groundwater to the surface.

Section 111-4 Permitted structures and uses.

- A. Only the following structures and uses shall be permitted by right as allowed in Use Districts (see Zoning - Attachment 1 Town of Scipio Use Table):
- (1) Dwelling, single-family; Dwelling, two family; and Residential accessory use, in accordance with the following:
    - a. On tracts of more than 10 acres, single-family detached dwellings are permitted under the dimensional, density, and design standards herein.
    - b. On tracts of 10 acres or less, existing as of the effective date of this Local Law, single-family detached dwellings are permitted under the dimensional, density, and design standards herein, and conventional 43,560 square foot lots with no required conservation land.
  - (2) Conservation Land.
    - a. Agricultural uses, including horticultural, wholesale nurseries, farm markets, and the raising of crops, and buildings related to the same, excluding commercial livestock including swine, poultry, mink, concentrated animal feeding operations (CAFO's), and others producing highly offensive odors.
    - b. Woodlots, arboreta, and other similar silvicultural uses.
    - c. Woodland preserve, game preserve, pasture, field, wildlife sanctuary, or other similar conservation use.
  - (3) Non-residential uses. The following non-residential uses are permitted in accordance with the standards set forth herein:
    - a. Artisan use, Athletic fields/active recreation, Construction services, Elderly congregate housing, Family day care home, Farm and farming, Funeral home, Home occupation in a dwelling, Library, Private club, Professional offices or services, Religious use, Silviculture, Stable private, public village green, public park or recreation area owned and operated by a public or private nonprofit agency.

- b. Accessory uses.
- (4) Accessory dwelling units, including elder cottages and tenant houses, situated in Option 2 Subdivisions (Low Density).
- a. Accessory dwelling units in principal residences or in new traditional outbuildings (such as barns, stables, carriage houses, and spring houses) shall be designed to harmonize with vernacular rural buildings in the Town’s historic landscape.
  - b. There shall be a maximum of one accessory dwelling unit (ADU) on any legal building lot in an Option 2 subdivision, and a maximum of two accessory dwelling units (ADUs) on any legal building lot containing ten (10) or more acres in an Option 2 subdivision, provided all performance standards of this Code are met.
  - c. The gross floor area in the first ADU shall not exceed 950 sq. ft. In the second ADU, where permitted, the maximum area shall be 750 sq. ft. However, on lots exceeding fifteen (15) acres, the second ADU may take the form of a tenant house containing up to 2,000 sq. ft. of floor space. Under this section, accessory buildings constructed more than 75 years prior to the current year that exceed the aforementioned floor space limits may be used as ADUs without having to meet the dimensional setback requirements of this Article through special permit issued by the Town Board upon recommendation of the Planning Board.
  - d. Issuance of permits for ADUs shall be contingent upon County Health Department approval for any on-site septic sewage disposal systems needed.
- B. The following uses, if permitted in the underlying land use district, shall require the issuance of a special permit:
- (1) Photo labs.
  - (2) Auto repair facilities and truck terminals, including engine repair and machine shops.
  - (3) Furniture stripper/painter, metal works, wood preservers.
  - (4) Printing presses.
  - (5) Conditionally exempt or small quantity generators of hazardous waste.

- (6) Solid waste management facilities not involving burial, including incinerators, composting facilities, liquid storage, regulated medical waste, transfer stations, recyclables handling and recovery facilities, waste tire storage facilities, used oil, C&D processing facilities, each as defined in 6 NYCRR Part 360, and junk or salvage yards in general.
- (7) Salt storage facilities.
- (8) Uses where water consumption exceeds natural recharge.
- (9) Cemeteries, including pet cemeteries.
- (10) Veterinary hospitals and offices.
- (11) Funeral home.
- (12) Storage or disposal of fertilizers, pesticides/herbicides. No special permit shall be required for storage of less than 500 pounds or where such storage or disposal is conducted in connection with a farm operation that is covered by the exemptions in Section 111-4(C)(5).
- (13) Accessory dwelling units, including elder cottages and tenant houses, situated in Option 1 and Option 3 Subdivisions.

C. General provisions.

- (1) The manufacture, use, storage, or discharge of any products, materials or by-products subject to these regulations, such as wastewater, solid waste, hazardous substances, or any pollutant, must conform to the requirements of these regulations.
- (2) Usage of water for proposed actions within the District shall be examined pursuant to the State Environmental Quality Review Act (SEQRA).
- (3) In addition to the list of statewide Type I actions contained in §617.4(b) of 6 NYCRR, all proposed actions resulting in discharges exceeding standards provided in 6 NYCRR Part 703.6(e) and amendments thereto (groundwater contamination standards), and all proposed actions where water consumption exceeds natural recharge, as defined in Subsections F and G herein, shall be designated as Type I actions under the implementing regulations of SEQRA (6 NYCRR Part 617), unless the action is listed as a Type II action under such regulations.
- (4) Installation of any underground fuel tank or tanks is prohibited in the District with the exception of propane tanks installed according to all applicable state and federal laws.

(5) This Article shall not apply to customary agricultural practices conducted in conformity with applicable rules of the New York State Department of Environmental Conservation and the New York State Department of Agriculture and Markets which are in conformance with a whole farm management plan approved by the Cayuga County Soil and Water Conservation District.

(6) This Article shall not apply to any single-family, two-family, or multifamily residential use of land containing five (5) or fewer dwelling units or to any home occupation unless such residential use or home occupation includes one of the activities listed in Subsection E below.

D. Use and permit requirements. In accordance with this Article, the Planning Board shall review special permit applications within the District and render recommendations to the Town Board. If the uses listed below are regulated by any State or Federal agency, the definitions of such uses and all applicable regulations under State and Federal law shall apply.

(1) Gasoline service stations.

(2) Major oil storage facilities.

(3) Salt storage facilities.

(4) Conditionally exempt, small quantity, or large quantity generators of hazardous waste.

(5) Disposal of any hazardous waste, as defined in 6 NYCRR Part 371, by burial.

(6) Land application of septage, sludge, or human excreta, including land application facilities defined in 6 NYCRR Part 360-4.

(7) Cemeteries, including pet cemeteries.

(8) Veterinary hospitals and offices.

(9) Funeral parlors.

(10) Storage or disposal of fertilizers, pesticides/herbicides. No special permit shall be required for storage of less than 500 pounds or where such storage or disposal is conducted in connection with a farm operation that is covered by the exemptions in Section 111-7(C)(5).

- E. Application requirements. In addition to the special permit application requirements set forth in Article XVII, Section 117-2(A), applicants proposing actions listed in Subsection D(1) and (2) above shall identify the following as part of their applications:
- (1) The source of water to be used;
  - (2) The quantity of water required;
  - (3) Water use minimization measures to be implemented;
  - (4) Water recycling measures to be implemented;
  - (5) Wastewater discharge measures;
  - (6) Grading and/or stormwater control measures to enhance on-site recharge of surface water;
  - (7) Point source or nonpoint discharges;
  - (8) A complete list of any hazardous substances to be used on site, along with quantity to be used and stored on site; and
  - (9) A description of hazardous substance storage or handling facilities and procedures.
- F. Special conditions for proposed uses requiring a special permit:
- (1) Gasoline service station operators shall provide the Town with copies of all applicable permits provided by state and/or federal regulators and copies of all annual, incident, and remediation-related reports.
  - (2) Storage of chloride salts is prohibited except in structures designed to minimize contact with precipitation and constructed on low-permeability pads designed to control seepage and runoff.
  - (3) Storage of coal and/or cinders is prohibited except in structures designed to minimize contact with precipitation and constructed on low-permeability pads designed to control seepage and runoff.
  - (4) Generators of hazardous waste shall provide the Town with copies of all applicable permits provided by state and federal regulators and copies of all annual, incident, and remediation-related reports.
  - (5) Any projects where water consumption exceeds the natural recharge, the applicant shall demonstrate through SEQRA how such impact will be

mitigated through, for example, compensatory recharge equal to the identified recharge deficit through a combination of artificial on-site or off-site recharge, or provision of compensatory natural recharge areas elsewhere in the Town.

G. Prohibited uses:

- (1) Municipal, private and construction and demolition landfills as defined in 6 NYCRR Part 360-2 and 6 NYCRR Part 360-7.
- (2) Land application of septage, sludge, or human excreta, including land application facilities as defined in 6 NYCRR Part 360-4.
- (3) Disposal, by burial, of any hazardous waste, as defined in 6 NYCRR Part 371.
- (4) Large quantity generators of hazardous waste.
- (5) Major oil storage facilities.
- (6) On-site dry cleaning.
- (7) Junkyards, automobile cemeteries and junked car lots.
- (8) Heavy industrial uses.

Section 111-5 Conservation density subdivisions.

See Article V of the Town of Scipio Subdivision Regulations.

Section 111-6 Supplementary dimensional regulations.

- A. Setbacks from power lines. No permanent structure shall be erected within 100 feet of the outside conductor of a power line of 115 kilovolts or higher.
- B. Projections into required yards.
  - (1) The following projections into required yards may be permitted:
    - (a) Awnings or movable canopies: six (6) feet (maximum) into any required yard.
    - (b) Cornices, eaves and other similar architectural features: three (3) feet (maximum) into any required yard.



- (2) Carport. An open or enclosed carport shall be considered a part of the structure in the determination of the size of the required yard.
- C. Setbacks for accessory structures and uses.
- (1) Unless specifically addressed elsewhere in this chapter, in the case of any barn, garage, stable, tennis court, satellite dishes (four (4) feet in diameter or larger), swimming pool or in the case of any permitted accessory structure attached to a principal structure, all the minimum yard requirements of this chapter applicable to the principal structure shall be met.
  - (2) Any swimming pool, tennis court or any other permitted accessory structure or use shall not be permitted in a front yard but shall be set back past the established building line.
  - (3) No structures or uses shall have flashing lights or lights which cause glare onto adjoining properties or the public roadway.
- D. Fences. Fences shall be permitted regardless of the setback requirements of this chapter, subject to the following conditions:
- (1) No fence exceeding seven (7) feet in height shall be permitted anywhere within the Town, except that a fence up to 12 feet in height may enclose a tennis court, provided that it complies with applicable setback requirements.
  - (2) Fences shall be set back a minimum of one foot from the respective property line, with the exterior (good) side of the fence facing out, and with the wiring, structural elements or other components of the fencing not designated for presentation to the public facing in.
  - (3) No fence shall be constructed in a road or street right-of-way. No fence, in any case, shall impair visibility for traffic and pedestrian safety.
- E. Berms and walls. Berms that are properly vegetated and landscaped and under four (4) feet in height and street walls shall be permitted regardless of the setback requirements of this local law
- F. , subject to the following conditions:
- (1) Berms and street walls shall be set back a minimum of one foot from the respective property line. Any wiring or structural elements or other components of a wall shall face in.
  - (2) No berm or wall shall be constructed in a road or street right-of-way nor impair visibility for traffic and pedestrian safety. This provision shall not apply to approved agricultural uses, however no berm shall impair visibility for traffic and pedestrian safety.

- (3) In addition to complying with Subdivision (1) and (2) above, all berms and walls must be approved by the Codes Enforcement Officer upon receipt of an application and the application fee as may be established by resolution of the Town Board. The Codes Enforcement Officer may require a topographic survey and/or a review by an Engineer at the applicant's expense.
- (4) Agriculture related berms and walls are exempt from this subsection, provided that all berms or walls do not impair traffic or pedestrian safety.

**ARTICLE XII**  
**Standards and Requirements Applying to all Districts**

Section 112-1 Environmental performance standards.

- A. Compliance with performance standards. No use shall hereafter be established, altered, moved or expanded unless it complies with the performance standards set forth in this section. Continued conformance with such standards, once applicable, shall be a requirement for the continuance of any certificate of occupancy.
- B. Purpose of performance standards. Consistent with the general purposes of this chapter, performance standards shall set specific controls on potentially objectionable external aspects of all uses in order to:
  - (1) Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor or other atmospheric pollutants outside the building in which the use is conducted.
  - (2) Control noise and light perceptible beyond the boundaries of the site of the use.
  - (3) Limit the discharge of treated wastes and prohibit the discharge of untreated wastes into any watercourse.
  - (4) Limit the dissemination of vibration, heat or electromagnetic interference beyond the immediate site on which the use is located.
  - (5) Limit physical hazard by reason of fire, explosion, radiation or any similar cause.
  - (6) Regulate and control the generation and flow of vehicular traffic in order to prevent hazardous conditions, traffic congestion and excessive noise in the streets.
- C. Noise. No noises shall be emitted in violation of the following specific standard:

- (1) Sound levels shall be determined by the Code Enforcement Officer at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through a sound-level meter having an A-weighted filter and constructed in accordance with specifications of the American National Standards Institute or other generally accepted standard for the measurement of sound.
- (2) No person, firm or corporation shall allow the emission of sound which, as measured at the property lines, has a sound level in excess of:
  - a. Eighty decibels on the A-weighted scale between the hours of 8:00 p.m. and 7:00 a.m.
- (3) Sounds emitted at levels lower than those prohibited by Subsection C(2) above shall not be permitted if, because of the type or frequency of the noise emitted, such sounds are offensive, disruptive or in continual disharmony with the character of an adjoining or nearby residential neighborhood.
- (4) Exemptions. The following shall be exempt from the noise level regulations:
  - a. Noises not directly under the control of the property user.
  - b. Noises emanating from construction and maintenance activities between 8:00 a.m. and sunset, Monday through Friday.
  - c. The noises of safety signals, warning devices, emergency pressure-relief valves or other emergency warning signals.
  - d. Bells or chimes (actual musical instruments, not digital or other recorded audio) from a church or other place of worship.

D. Smoke, dust and other atmospheric pollutants.

- (1) General control. The emission of smoke and other particulate matter shall not be permitted in violation of applicable regulations of the New York State Department of Environmental Conservation (DEC), including but not limited to 6 NYCRR Part 201. Pollutants that are not regulated by the DEC shall not be emitted if they pose a substantial risk to public health, safety, or welfare.
- (2) Maximum permitted emission of dust.

- a. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per thousand pounds of flue gas adjusted to fifty-percent excess air for combustion.
  - b. There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.
  - c. Properties shall be suitably improved and maintained with appropriate landscaping, paving, or other materials to minimize windblown dust and other particulate matter.
- E. Odor. With the exception of those agricultural and farming operations that are subject to the applicable provisions of Article 25-AAA of the New York Agriculture and Markets Law, no land use shall be permitted which emits any discernible obnoxious odor outside the lot on which the use is conducted.
- F. Toxic or noxious matter. No use shall be permitted which will cause the release of toxic or noxious fumes or other matter outside the building in which the use is conducted.
- G. Radiation. The handling, storage or disposal of radioactive materials or waste by-products shall be conducted strictly in accordance with applicable federal and state standards.
- H. Electromagnetic interference. No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area, unless federal or state regulation requires such operation to be permitted.
- I. Fire and explosion hazard. All activities involving the use or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion.
- J. Exterior illumination and glare. All exterior lighting, including security lighting, in connection with all buildings, signs or other uses shall be shielded and directed downward and away from adjoining streets and properties. The Planning Board may require special efforts to reduce the impacts of exterior lighting, such as limiting hours of lighting, planting screening vegetation, or installing light shields to alleviate the impact of objectionable or offensive light and glare on neighboring residential properties and public thoroughfares.
- K. Liquid and solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the Cayuga County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction.

Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

L. Traffic. For the purpose of preventing congestion in the streets, promoting the safe and efficient use of public transportation, protecting air quality, promoting fuel conservation, and otherwise protecting the public health, safety and welfare, the following specific traffic standards are hereby established to serve as a guide for Town officials and agencies in the review of applications for development approvals:

- (1) The applicant of any development shall provide the Planning Board with information pertaining to potential traffic generation. If the Planning Board determines that it is necessary, the Planning Board may require the submission of a traffic impact study (TIS) prepared by a qualified traffic engineer.
  - a. The TIS shall evaluate potential impacts to roadway and intersection operating conditions at locations and peak hours to be determined by the reviewing agency.
  - b. The latest available version of the Highway Capacity Manual and/or software based on the Highway Capacity Manual shall be used to conduct the TIS.
  - c. The TIS shall be based on traffic volume data not more than three (3) years old.
  - d. Level of Service (LOS), measured on a scale of A to F (free flow – breakdown flow) will be used to in determining significant adverse traffic impacts requiring project mitigation, and shall be defined as any of the following occurring within the first year of operation of full build-out of the proposed project or, in the case of phased construction, during the first year of operation of each phase for which approval is sought:
    1. Any reduction in Level Of Service (LOS) to less than LOS D (approaching unstable flow) at a street intersection that operates at LOS D or better without the proposed project.
    2. Any increase in delay times for intersections operating at LOS E (unstable flow) or below.
    3. Introduction of new traffic volumes that will cause the overall volume of the roadway to exceed the design

capacity of the mainline (nonintersection) highway sections within the TIS study area.

- e. If the outcomes listed in Subsection M (1)(d) above would occur in any case due to other planned projects or background growth in the area that would affect that intersection or roadway segment, then the proposed project may be approved, provided that adequate mitigation plans are made to ensure safe and efficient operating conditions at the affected intersection(s).
- (2) Any development application for which a TIS is not submitted shall provide sufficient information to ensure safe entering and exiting conditions (*e.g.* sight distance, driveway width and grade) at all proposed ingress and egress points.
- (3) In projecting future levels of service and the capacity of mainline highway sections, accepted traffic engineering procedures, as determined satisfactory by the Planning Board, shall be utilized, using the following requirements as a guide:
- a. Base-year traffic conditions, including peak-hour traffic volumes and turning movements, must be documented either through direct field surveys or from other available current data sources.
  - b. Projected volumes must include estimated traffic generation from the proposed development during peak hours of on-site traffic activity as well as peak hours of street system activity.
  - c. Daily trip generation estimates must be provided. Information published by the Institute of Transportation Engineers (ITE) will generally be relied upon as a basis for estimating trip generation, although the Planning Board may allow or require a departure from the use of specific ITE averages where the Board determines that such departure is warranted by unique characteristics which may be present in the proposed project.
  - d. Allowance shall also be made for traffic which is expected to be generated by other projects already approved or under construction within the Town or within neighboring communities, as well as an additional allowance for general regional traffic volume changes.
  - e. Estimated traffic generation must be distributed throughout the access network in accordance with clearly stated distribution assumptions determined acceptable by the Planning Board.

- f. The capacity analysis of the intersections or mainline highway section roadway system shall be calculated both with and without site-generated traffic. In analyzing such capacity, the applicant shall use methods generally recognized by national authorities, such as the Transportation Research Board of the National Academy of Sciences, and/or methods accepted by the New York State Department of Transportation. Traffic capacity estimates may take into account improvements planned by the applicant or by others, provided that, in either case, a specific commitment to construct such improvements has been made.
- M. Review procedures. As a part of site plan review of an application for the establishment of a use which, in the Planning Board's judgment, could have potentially objectionable external aspects and therefore be subject to these performance standards, the Planning Board may require the Applicant, at his or her own expense, to provide such evidence as it deems necessary to determine whether the proposed use will comply with these standards.

Section 112-2 Off-street parking and loading.

A. Off-street parking.

- (1) Purpose. The Town finds that large and highly visible parking areas represent one of the most objectionable aspects of commercial development. Such parking lots damage the historic layout and architectural fabric of Hamlet areas, harm the natural environment and visual character of the community, interfere with pedestrian safety and accessibility, and reduce the quality of life in developed areas. However, the Town also recognizes that inadequate parking can diminish quality of life by creating traffic congestion, safety hazards, and inconvenience. The Town therefore seeks to balance the need for adequate parking with the need to minimize harm resulting from the provision of parking and to avoid the negative impacts of excessive parking lot construction.
- (2) Minimum parking required for residential uses.
  - a. For single-family or two-family dwelling: two (2) spaces per dwelling unit.
  - b. For multifamily dwelling: 1½ spaces per dwelling unit.
  - c. These requirements may be reduced for dwelling units with less than 1,000 sq. ft. of floor space, senior citizen housing, mixed-use development, or other appropriate circumstances if the Planning Board determines that such reductions are warranted.

(3) Parking requirements for nonresidential uses. The number and layout of parking spaces for nonresidential uses shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to environmental, historic, and scenic resources. Since nonresidential uses vary widely in their need for off-street parking; parking requirements shall be based on the specific operational characteristics of the proposed uses. The provisional parking standards in Subsection A(3)(a) below shall be applied and may be varied by the Planning Board according to the criteria in Subsection A(3)(b) below.

a. Provisional parking standards.

1. Retail or service business uses: four (4) spaces per 1,000 sq. ft. of enclosed floor space, excluding space used for storage.
2. Industrial/warehouse uses: two (2) spaces per 1,000 sq. ft. of enclosed floor space or one space per employee.
3. Office uses: three (3) spaces per 1,000 sq. ft. of floor space.
4. Lodging facility: one space for each bedroom plus one space for each nonresident employee and one space for every 200 sq. ft. of floor space for meetings and functions.
5. Restaurants, theaters, and other places of public assembly: one space for every three (3) seats.
6. Uses not listed above: as appropriate to the circumstances.

b. Criteria for applying provisional standards. In applying or modifying the provisional parking standards for any proposed use, the Planning Board shall consider:

1. The maximum number of vehicles that would actually be parked at the use at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated peak demand. The likelihood of people walking, bicycling, or carpooling to the proposed use shall be taken into consideration.
2. The size of the structure(s) and the site.
3. The environmental, scenic, or historic sensitivity of the site (including applicable limitations on impervious surfaces). In cases where sufficient area for parking cannot be created



on the site without disturbance to these resource values, the Planning Board may require a reduction in the size of the structure so that the available parking will be sufficient.

4. The availability of safely usable on-street parking.
  5. The availability of off-site off-street parking within 400 feet that is open to the public, owned or controlled by the applicant, or available on a shared-use basis, provided that the applicant dedicates such off-site land for public parking or demonstrates a legal right to shared use.
  6. The requirements for parking for the disabled as prescribed by the Americans with Disabilities Act.
- c. Set-aside for future parking. The Planning Board may, as a condition of reducing the provisional parking standards, require an applicant to set aside land to meet potential future parking needs. Such land may remain in its natural state or be attractively landscaped but may not be used in a manner that would prevent it from being developed for parking in the future.
- d. Parking spaces may be made available as an accessory use for nonresidential uses on residential lots in the Hamlet District by special permit. Such spaces shall be screened from adjoining properties and roads and shall not exceed five (5) spaces per lot.
- (4) Design, layout, and construction of parking areas for nonresidential and multifamily residential uses.
- a. Location and screening.
    1. All off-street parking shall be located behind or to the side of the principal building, except as provided in Subsection A(4)(a)[2] and [3] below. The Planning Board may modify or waive this requirement where unusual lot configurations such as corner lots or through lots make compliance with this requirement impractical or impossible, or where the predominant character of surrounding development is such that compliance with this requirement would serve no useful purpose, provided that the applicant minimizes the visual impacts of such parking areas. Parking spaces located in a side yard shall, if possible, be screened from public view. Adjoining parking areas shall be connected directly to one another or to a service road or alley wherever feasible to reduce turning movements onto roads.

2. Within any district, parking may be located anywhere on the site if in agreement with other applicable regulations, and it is screened from public roads and adjoining properties or if it is part of a commercial development which is not visible from any public road, public recreation area, public building, or residential property.
  3. Parking layouts in the Hamlet District shall reference the recommended design guidance set forth in 'Smart Development for Quality Communities', 2001, pages 8-10 and 16 – 19 which is available at the Town Clerk's office.
- b. Construction of parking areas. Parking areas shall be surfaced with a suitable durable surface appropriate for the use of the land, with adequate drainage. Surfacing, grading, and drainage shall facilitate groundwater recharge by minimizing impervious pavement and runoff. Overflow or peak period parking surfaces shall be permeable. Oil traps may be required for larger paved parking lots.
  - c. Landscaping. Parking areas shall be designed and landscaped to avoid long, uninterrupted rows of vehicles by breaking them into separate parking lots divided by tree lines, alleys, pedestrian areas, or buildings. Parking lots containing more than 40 spaces shall be divided into smaller areas by landscaped islands at least 15 feet wide located no more than 120 feet apart. All islands shall be planted with three-inch minimum caliper shade trees at a density of at least one tree for every 20 linear feet of island. Parking lots containing less than 40 spaces shall provide at least one three-inch minimum caliper shade tree per eight spaces.
  - d. Lighting. Lighting within parking lots shall be on low poles of 12 feet to 15 feet maximum height, with color-corrected lamps and cutoff luminaires designed to minimize glare and light pollution. Design of poles and luminaries shall be compatible with the style of the architecture and adjoining streetscape treatment. Sidewalks leading from parking lots shall be lit with bollard lighting and indirect illumination of buildings and vegetation.
  - e. Nonconforming parking lots shall be brought into conformity with this Subsection A(4) to the extent practical whenever a site plan or special permit application is filed for an expansion or change of the use.

B. Off-street loading.

- (1) General requirement. Loading docks and service access areas shall be located in a manner that minimizes visual intrusion on public spaces and ensures pedestrian and automobile safety by separating truck traffic and loading operations from pedestrian and automobile circulation. Where appropriate, loading docks shall be screened by walls extending from a building face or placed within arcades or other architectural features designed to blend them with the architecture of the building. Adjacent buildings shall be sited to allow shared access to loading docks through the use of common loading zones or service alleys.
- (2) Exception for Hamlet District. The need to maintain the traditional layout and historic character of the Town's Hamlets may preclude the establishment of modern loading facilities in some older buildings in the Hamlet District. In such situations, the requirements of Subsection B(1) above shall not apply, and on-street loading shall be permitted.

Section 112-3 Solar access.

It is the intention of the Town Board to enact a Solar Energy System Fast Track Permit process modeled on the guideline recommendations of the New York State Unified Solar Permitting Initiative whereby the installation of standard solar energy systems can be standardized, simplified, and accelerated in towns and villages across New York State.

- A. Solar Panels. All building permit applications for the installation of solar panels on residential and non-residential buildings and legal accessory structures on residentially-utilized property shall receive expedited review by the Code Officer.
- B. Applications for standard installations on residential and legal accessory structures on residential property shall be determined within fourteen (14) business days of the filing of a completed application.

Section 112-4 Steep slope regulations.

The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides, and the degradation of scenic views. Accordingly, the following requirements are hereby imposed in areas with slopes exceeding 15%. Where a soil erosion and stormwater control plan is required by Section 109-12 such plan shall provide the information needed to comply with this local law.

- A. For any subdivision, special permit, site plan, building permit, zoning permit, or variance that involves the disturbance of slopes greater than 15%, conditions shall be attached to ensure that:

- (2) Adequate erosion control and drainage measures will be in place so that erosion and sedimentation does not occur during or after construction.
  - (3) Cutting of trees, shrubs, and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.
  - (4) Safety hazards will not be created due to excessive road or driveway grades or due to potential subsidence, road washouts, landslides, flooding, or avalanches.
  - (5) Proper engineering review of plans and construction activities will be conducted by the Town to ensure compliance with this section, paid for by escrow deposits paid by the Applicant.
  - (6) No certificate of occupancy will be granted until all erosion control and drainage measures required pursuant to this section have been satisfactorily completed.
- B. No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 25% or greater, except in any of the following circumstances:
- (1) As may be needed for stream bank stabilization, foot trails and utility lines.
  - (2) In conjunction with timber harvesting operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.
  - (3) In conjunction with activities of a farm operation protected by an exemption under Section 112-5 below.
- Where an applicant can demonstrate that there is no feasible alternative and that the impacts of any land disturbance will be fully mitigated by the best available engineering, erosion control, and visual impact mitigation practices.
- C. Slope determinations shall be made based upon the topographic information required for a particular approval, along with such other topographic information as the reviewing board or official shall reasonably require or the applicant shall offer.
- D. For purposes of determining the location of steep slope areas, only contiguous slopes containing at least 3,000 sq. ft. shall be considered.

- E. Driveway grades shall comply with the standards set forth in §000-56 Geometric Standards of the Town Subdivision Regulations.

Section 112-5 Protection of agriculture.

Wherever agricultural uses and other uses unrelated to the agricultural operations abut, the Applicant for the nonagricultural use shall provide buffers to reduce the exposure of these abutting uses to odors, noise, and other potential activities that some might find objectionable associated with the agricultural operation. Such buffers may consist of vegetative screening, woodlands, vegetated berms, fences, or natural topographic features, at the discretion of the reviewing board.

Section 112-6 Signs.

- A. Purpose. The purpose of this section is to control the location, size, quantity, character, and lighting of signs in order to maintain the attractive appearance of the Town and avoid conditions of clutter and unsightliness. Through these regulations the Town seeks to:
  - (1) Protect public health and safety by ensuring that signs do not create dangerous conditions, obstruct vision necessary for traffic safety, or confuse, distract, or mislead motorists, bicyclists, or pedestrians; and
  - (2) Promote the general welfare by creating a more attractive visual environment that preserves the Town's historic and rural character, protects property values, encourages economic growth, enables businesses and other establishments to identify themselves, and minimizes negative impacts of signs on adjoining properties.
- B. Exempt signs. The following types of signs may be erected and maintained without zoning permits, board review, or fees, provided that these signs comply with the general regulations in Subsection D and with all other requirements of this Local Law. As used in this Subsection B, the term "residential uses" shall include mixed-use lots on which at least 50% of the floor space is residential.
  - (1) Permanent signs.
    - a. Signs not exceeding 1 sq. ft. in area and bearing only property numbers, postal route box numbers, or names of occupants of premises.
    - b. One sign, not exceeding 32 sq. ft. in area, designating a farm.
    - c. Flags and insignia of any government, except when displayed in connection with commercial promotion.

- d. Noncommercial information signs. Signs providing noncommercial information to the public, including community service information signs, public utility information signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, directional parking signs, and all signs erected by a public officer in the performance of a public duty.
- e. One on-premises sign, either freestanding or attached, in connection with any residential building, for permitted home occupations, not exceeding 3 sq. ft. and set back at least 10 feet from the traveled way or at the right-of-way, whichever is greater. Such signs shall state name and occupation only and shall not be illuminated.

(2) Temporary signs.

- a. Temporary nonilluminated "For Sale" or "For Rent" real estate signs and signs of similar nature, concerning the premises upon which the sign is located. For residential uses, one sign per lot, not exceeding 6 sq. ft. per side. For nonresidential uses, one sign per lot, not exceeding 12 sq. ft., set back at least 15 feet from all property lines. All such signs shall be removed within three (3) days after closing of the sale, lease, or rental of the premises.
- b. Temporary nonilluminated window signs and posters. (Such signs are normally used to advertise specific products or sales and are removed or replaced on a regular basis.)
- c. Two temporary signs for a roadside stand selling agricultural produce grown on the premises in season, provided that such signs do not exceed 32 sq. ft. each, are set back at least five (5) feet from the public right-of-way, and are removed at the end of the selling season.
- d. On-premises signs for garage sales and auctions, not exceeding 4 sq. ft., for a period not exceeding seven (7) days.
- e. Posters, banners, and signs, not exceeding 6 sq. ft. on residential uses or 16 sq. ft. on nonresidential uses, for a period not exceeding 60 days.
- f. One sign, not exceeding 6 sq. ft. on residential uses or 16 sq. ft. on nonresidential uses, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or

repair is in progress, limited to the duration of the construction period.

- g. Signs, portable or otherwise, advertising special events for nonprofit organizations, such as firemen's field days, church bazaars, bake sales, etc. Such signs shall not exceed 24 sq. ft. in area and shall not be displayed for more than 30 days.
- h. Signs marking areas of highway or utility construction, repair, or maintenance.

C. Prohibited signs.

- (1) No off-premises commercial signs shall be allowed, except that signs not exceeding 4 sq. ft. directing the public to specific establishments may be allowed with site plan approval by the Planning Board.
- (2) No exterior sign shall be illuminated internally, and no sign shall contain flashing, intermittent, rotating, or moving lights, except that one neon sign not exceeding 3 sq. ft. may be allowed inside the window of a business establishment.
- (3) Portable signs that are mounted on wheels, including motor vehicles or trailers parked in one location for more than 30 days in any calendar year and functioning primarily as signs, shall be prohibited.
- (4) No permanent sign or any part thereof shall contain or consist of any moving, rotating, or revolving device.

D. General sign regulations. All signs that are not prohibited by Subsection C above are regulated by this section. Signs that are not exempt under Subsection B shall require building permits. However, if signs are proposed in connection with any special permit or site plan application, such signs shall be reviewed and approved under applicable criteria for the principal uses and shall not require a separate building permit if constructed pursuant to an approved plan.

- (1) Permit applications. Applications for new signs or proposed changes in existing signs shall include a scaled drawing showing the type of lettering, sign dimensions, colors, materials, and method of illumination, if any, and a plan showing the location of the sign on the building or property. A building permit shall be required for any change in the size, shape, lighting, materials, or location of an existing sign. No building permit shall be required if only the words or images on the sign are changed.

(2) Location and maintenance.

- a. Signs shall be erected, constructed, and maintained in a manner that does not obstruct traffic movement or visibility or cause any hazard to public safety.
- b. No signs shall be placed, painted, or drawn on utility poles, bridges, culverts, or other road or utility structures or signposts, or on trees, rocks, or other natural features, except that signs not exceeding one square foot posting property boundaries may be placed on trees. No signs shall be placed on municipally owned property without permission of the Town Board.
- c. All signs shall be kept in good repair. Painted surfaces shall be kept neatly painted at all times.

(3) Sign area and height.

- a. Freestanding signs. Individual freestanding signs shall not exceed 16 sq. ft. in area nor 10 feet in height. Freestanding signs that are grouped together on one sign structure shall not exceed a cumulative total of 50 sq. ft. per structure, and the individual components of such groupings shall be large enough to be read safely by passing motorists traveling at the speed limit.
- b. Projecting signs. Projecting signs shall not exceed 12 sq. ft. in area and shall not project more than four feet from the side of the building. The bottom of such signs shall be no lower than 10 feet and no higher than 15 feet above the finished grade.
- c. Wall-mounted signs. Wall-mounted signs shall not exceed 32 sq. ft., extend more than one foot from the surface of the wall, cover more than 10% of the front surface of a building, cover a window, obscure architectural detailing, interrupt a roofline, or be placed on the roof of a structure.
- d. Awning signs. The valance portion of an awning may be used as a sign, with a maximum of 12 sq. ft. of sign area. The bottom of the awning shall be at least eight feet above the finished grade.
- e. Sign area bonuses. To encourage design excellence, the maximum sizes for individual signs specified above may be increased if the criteria below are satisfied. Sign bonuses shall not apply to exempt signs or to freestanding signs that exceed 6 feet in height. Although a separate increase is granted for compliance with each of the criteria and the total is cumulative, each percentage increase



is based on the original sign size limitation. Maximum sign sizes shall be allowed to increase as follows:

1. Fifteen percent when the sign is made of wood.
  2. Fifteen percent if the sign is designed to contain only the identification of the establishment without advertising any products sold on the premises.
  3. Twenty percent if the sign is the only sign identifying the establishment or its principal product.
  4. Twenty percent if the sign is not designed or used with illumination.
- f. Maximum cumulative sign area per lot. The maximum amount of total sign area per lot shall be 1 sq. ft. of total sign area for every 2 linear feet of lot frontage on a public street.
- g. Maximum area per sign. Notwithstanding any provision of this section to the contrary, no sign or grouping of signs shall be greater than 100 sq. ft. in size.
- (4) Illumination. No illuminated sign or lighting device shall be placed or directed so that its light is directed or beamed:
- a. Toward a residence;
  - b. Upon a public street, highway, sidewalk, or adjacent premises in a manner that causes glare or reflection sufficient to constitute a nuisance or a traffic hazard; or
  - c. Upward toward the sky.
- (5) Nonconforming signs. Signs that do not conform with this Article and that were legally in existence prior to the adoption of this section shall be permitted to continue for an amortization period that terminates in five (5) years at which time they must either be replaced by conforming signs that have valid permits or be removed. Such signs may be altered only if the alterations increase their conformity with this section. This five (5) year amortization period may be extended by a temporary variance granted by the Zoning Board of Appeals, provided that the applicant demonstrates that the five (5) year amortization period is confiscatory as applied to the specific sign. The period of the variance shall be the minimum reasonably necessary to avoid confiscation. Signs that were not in compliance with the sign regulations of the Town of Scipio existing prior to the enactment

of this Local Law shall not be considered protected nonconforming structures and shall be treated as violations.

E. Removal of signs.

- (1) The Code Enforcement Official shall notify in writing the owner of any sign which no longer serves the purpose for which it was erected, or which poses a safety hazard to the public or is otherwise in violation of this section. The Code Enforcement Official shall order such owner to remove or correct the unsatisfactory condition of such sign within twenty (20) days from the date of such notice.
- (2) Upon failure to comply with such notice within the prescribed time, the Code Enforcement Official 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 Town Law for the levy and collection of a special ad valorem levy.
- (3) Where it reasonably appears that there is imminent danger to life, safety, or health or imminent damage to property unless a sign is immediately repaired, secured, or demolished and removed, the Town Board may, by resolution, authorize the Code Enforcement Official to immediately cause the repair, securing, or demolition of such unsafe sign. The expense of such remedial actions shall be a charge against the land on which the sign is located and shall be assessed, levied, and collected as provided in Subsection E(3) above.

### **ARTICLE XIII WIND ENERGY FACILITIES**

Section 113-1 Purpose.

The purpose of this Article is to provide for the regulation of the construction and operation of Wind Energy Facilities in the Town of Scipio subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

Section 113-2 Definitions.

**Applicant** - Person or entity filing an application under this chapter.

**Distributed Wind Energy** - electrical power generation that occurs close to where the power is consumed, independent of the type of power-generating technology.

**Environmental Assessment** - A detailed examination of the applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.

**Facility Operator** - The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

**Facility Owner** - The entity or entities having controlling or majority equity interest in the Wind Energy Facility, including their respective successors and assigns.

**Non-Participating Landowner** - Any landowner not under agreement with the Facility Owner or Operator.

**Occupied Building** - A residence, school, hospital, church, public library or other buildings used for public gathering that is occupied or in use when the permit application is submitted.

**Participating Landowner** - A landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Wind Energy Facility.

**Public Road** - A full passage right-of-way.

**Shadow Flicker** - The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

**Wind Energy Facility** - An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures & facilities. For the purpose of this Local Law, the term does not apply to roof-mounted or building integrated roof mounting systems.

**Wind Energy Facility, Small** - A single distributed wind energy system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

**Wind Energy Facility, Community** - A distributed wind energy conversion system that benefits the Scipio Community, consisting of one (1) or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW but not greater than 20MW.

**Wind Power** - The conversion of wind energy into another form of energy.

**Wind Turbine or Windmill** - A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer.

**Wind Turbine Height** - The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Section 113-3 Special permit and site plan review requirement.

- A. Wind Energy Facilities defined as “Community” or the addition of a Wind Turbine to an existing Wind Energy Facility defined as “Community” shall not be constructed unless site plan review has been performed in conjunction with a special permit that has been issued to the Facility Owner or Operator approving construction of the Facility under this chapter. Special permit application of the expansion shall be based on the total rated capacity, including the existing facility but excluding like-kind replacements.
- B. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size and/or type of Wind Turbines or other equipment shall require a permit modification under this chapter. Like-kind replacements shall not require a modification of the special permit.

Section 113-4 Wind Energy Facility use regulation.

- A. “Small Wind Energy Facilities” are permitted by right in all districts.
- B. “Community Wind Energy Facilities” are permitted by special permit, subject to site plan review, in all districts.

Section 113-5 Special permit application.

- A. In addition to the information set forth in Article XVII, Section 117-2(A), a special permit application for a Wind Energy Facility shall contain the following:
  - (1) A narrative describing the proposed Wind Energy Facility, including an overview of the project;
  - (2) The proposed total rated capacity of the Wind Energy Facility;
  - (3) The proposed number, representative types and height or range of heights of wind turbines to be constructed; including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
  - (4) Identification and location of the properties on which the proposed Wind Energy Facility will be located;
  - (5) A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, substation(s),

electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and properties, demonstrating compliance of the setbacks;

- (6) Certification of compliance with applicable local, state and Federal regulations, such as FAA and FCC regulations;
- (7) An Environmental Assessment as required by law for Community Wind Energy Facilities,;
- (8) Other relevant information as may be reasonably requested by the Town of Scipio to ensure compliance with the requirements of this Article;
- (9) Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored; and
- (10) Documentation of agreement between Participating Landowner(s) and the Facility Owner/Operator of the Wind Energy Facility.

B. Throughout the permit process, the Applicant shall promptly notify the Town of Scipio of any proposed changes to the information contained in the application that would alter the impact of the project.

C. Changes to the approved application that do not materially alter the initial site plan may be adopted administratively.

Section 113-6 Setbacks.

Wind Energy Facility Type	Minimum Setback Requirements 1			
	Occupied Buildings on Participating Landowner Property	Occupied Buildings on Non-Participating Landowner Property	Property Lines on Non-Participating Landowner Property	Public Roads
Small System	0.0	2.0	1.1	1.5
Community System	1.1	3.0	1.5	1.5

A. The setback is calculated by multiplying the required setback number by the Wind Turbine Height and measured from the center of the wind turbine base to the property line, Public Road, or nearest point on the foundation of an Occupied Building.

- (1) Setbacks provisions may be waived if the following conditions are met:

- a. Property owners may waive the setback requirements for Property Lines and/or Occupied Buildings on the Participating Landowner property and/or Non-Participating Landowner property by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
- b. The written waiver shall notify applicable property owner(s) of the setback required by this chapter, describe how the Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to waive the setback as required by this chapter.
- c. Any such waiver shall be signed by the applicant, the Participating Land Owner(s) and/or Non-Participating Landowner(s), and recorded in the Cayuga County Clerk's Office.

Section 113-7 Installation and design.

- A. The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
- B. All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
- C. Any on-site collector system shall, to the maximum extent possible, be placed underground.
- D. The visual appearance of Wind Energy Facilities shall at a minimum:
  - (1) Be a non-obtrusive color such as white, off-white or gray;
  - (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and,
  - (3) Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, Facility Owner and Operator.

Section 113-8 Decommissioning.

- A. The Wind Energy Facility Owner shall have six (6) months to complete decommissioning of the Facility if no electricity is generated for a continuous period of twelve (12) months.

- B. Decommissioning shall include removal of wind turbines, cabling, electrical components, any other associated facilities down to 36 inches below grade with the exception of buildings, roads, footings and pads that the landowner makes written request to retain.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

**ARTICLE XIV**  
**Site Plan Review**

Section 114-1      Applicability.

- A. Site plan approval by the Town Board, upon recommendation from the Planning Board, shall be required for all permitted uses listed on the Use Table as requiring site plan approval only.[1] Site plan review shall be included as part of the special permit approval process, and shall not be required separately for special permit uses. The procedures for review of major and minor site plans are described in Section 114-2 and 114-3. Agricultural structures with a footprint of over 10,000 sq. ft. shall require minor site plan approval. Agricultural structures with a footprint of 10,000 sq. ft. or less are exempt from site plan approval requirements.

[1]: Editor's Note: The Use Table is included at the end of this local law.

- B. Required information for site plan. An application for site plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant.
  - (1) Minor project site plans shall contain the information required by Section 114-3 and other information listed below if the Planning Board deems such information necessary to conduct an informed review.
  - (2) Major project site plans shall be prepared by a licensed professional engineer, architect, and/or landscape architect and shall include the following:
    - a. A vicinity map drawn at the scale of 2,000 feet to the inch or larger that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all properties, subdivisions, streets, and easements within 500 feet of the property. Such a sketch may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.

- b. An existing conditions map or maps, showing existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter at four (4) feet above ground level, located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas. Such map or maps shall also show mapped ecological and natural resource information from the Town of Scipio Map of Potential Conservation Lands.
- c. A site plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the site plan and continuation sheets. The site plan shall also show all development overlaid on the Town of Scipio Map of Potential Conservation Lands.
- d. Name of the project, boundaries, date, North arrow, and scale of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, and/or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner.
- e. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.
- f. The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- g. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- h. The location, height, size, materials, and design of all proposed signs.
- i. The location of all present and proposed utility systems, including:
  - i. Sewage or septic system;



- ii. Water supply system;
  - iii. Telephone, cable, and electrical systems; and
  - iv. Storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
- j. Erosion and sedimentation control plan required by Section 109-12 to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
  - k. Existing and proposed topography at two (2) foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.
  - l. A landscape, planting, and grading plan showing proposed changes to existing features.
  - m. Land use district boundaries within 200 feet of the site's perimeter shall be drawn and identified on the site plan, as well as any overlay districts that apply to the property.
  - n. Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts, or roadway entry point, on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas to satisfy the requirements of Article XII, Section 112-1(L).
  - o. For new construction or alterations to any structure, a table containing the following information shall be included:
    - i. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;

- ii. Estimated maximum number of current and future employees;
  - iii. Maximum seating capacity, where applicable; and
  - iv. Number of parking spaces existing and required for the intended use.
- p. Elevations at a scale of 1/4 inch equals 1 foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.
  - q. Where appropriate, the Planning Board may request soil logs, percolation test results, and storm runoff calculations.
  - r. Plans for disposal of construction and demolition waste, either on site or at an approved disposal facility.
  - s. Where appropriate, a cultural resource survey of resources with historic or archaeological significance.
  - t. Other information that may be deemed necessary by the Planning Board.
- C. Waivers. The Town Board may waive or allow deferred submission of any of the information required in Subsection B above, as it deems appropriate to the application. Such waivers shall be discussed in the course of a preapplication conference. The Town Board shall issue a written statement of waivers for all major projects. This statement shall be filed in permanent record of the property.
- D. Criteria. In reviewing site plans, the Town Board shall consider the criteria set forth below. The Town Board shall also consider the recommended design guidance set forth in ‘Smart Development for Quality Communities’ which is available at the Town Clerk’s office.
- (1) Layout and design.
    - a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site’s topography, existing vegetation and other pertinent natural features. The Town Board may require that an applicant prepare a Resource Analysis

as described in Article III of the Town of Scipio Subdivision Regulations.

- b. All structures in the plan shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses.
- c. Compatibility with traditional structures and the surrounding area in architecture, massing, proportion, placement, and harmony with traditional elements in the architectural fabric of the area is encouraged for structures that are visible from public roads. Such compatibility shall be required for structures located in the Sherwood Equal Rights National Historic District. Building components such as windows, rooflines and pitch, doors, eaves and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows and steeply pitched roofs are encouraged. Designs shall avoid flat roofs, large expanses of undifferentiated facades, and long plain wall sections. Rooftop and ground level mechanical equipment shall be screened from public view using materials harmonious with the building or shall be located where they are not visible from any public ways.
- d. Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
- e. The Town Board shall encourage the creation of landscaped parks or squares easily accessible by pedestrians.
- f. Trademarked architecture which identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of Scipio or the recommended design guidance set forth in 'Smart Development for Quality Communities' which is available at the Town Clerk's office.
- g. Impacts on historic and cultural resources shall be minimized.
- h. When feasible, utility service systems shall be placed underground.

(2) Landscaping.

- a. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

- b. Landscape plantings of shrubs, ground cover and shade trees, as well as perennials and annuals and other materials such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture, shall be encouraged to create pedestrian-scale spaces and to maintain landscape community within the community. All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides and fertilizers.
  - c. Existing tree stock eight (8) or more inches in diameter at four (4) feet in height from ground level shall be protected and preserved to the maximum extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedgerows, wetlands and woodlots shall be encouraged and included as a design element in the development of the site.
  - d. Landscape buffers shall be provided between uses that may be incompatible, such as large-scale commercial uses and residences, or parking areas and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forestland or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses, and their location on the property.
- (3) Parking, circulation, and loading.
- a. Roads, driveways, sidewalks, off-street parking, and loading space shall facilitate safe pedestrian movement.
  - b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.
  - c. Off-street parking and loading standards in Article XII, Section 112-2 shall be satisfied.

- d. Access from and egress to public highways shall be approved by the appropriate highway department, including Town, county, and state.
- e. All buildings shall be accessible by emergency vehicles.
- f. Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.
- g. Bicycle parking spaces and racks shall be provided in an area that does not conflict with vehicular traffic. Designated van/carpool parking, and other facilities for alternatives to single-occupancy vehicle use, shall be provided wherever possible.
- h. In developments where a link to schools, churches, shopping areas, trails, greenbelts and other public facilities is feasible or where a trail connection is recommended in the Comprehensive Plan or Town Map of Potential Conservation Lands, a trail corridor shall be reserved on the approved site plan for this purpose.

(4) Miscellaneous standards.

- a. Buildings and other facilities shall be designed, located, and operated to avoid causing excessive noise on a frequent or continuous basis as specified in Article XII, Section 112-1. Environmental Performance Standards.
- b. Exterior lighting fixtures shall be shielded and directed downward to prevent light from shining directly onto neighboring properties or public ways. Light standards shall not exceed 20 feet in height as specified in Article XII, Section 112-1 Environmental Performance Standards.
- c. Drainage of the site shall recharge groundwater to the extent practical. Surface water flowing off site shall not increase above pre-development conditions and shall not adversely affect drainage on adjacent properties or public roads.
- d. Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.
- e. No materials shall be placed below the finished grade of a site other than utilities, and clean fill that is uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted

under this Subsection D(5)(e), except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.

- f. Structures shall be located, constructed and insulated to prevent on-site noise from interfering with the use of adjacent properties as specified in Article XII, Section 112-1(C). Environmental Performance Standards. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate and shall include fencing, walls and natural buffers, such as berms and landscape planting with deciduous and coniferous trees and large shrubs.

Section 114-2 Administration and procedure for major project site plan approval.

- A. Preapplication conference. Before filing an application, a preliminary conference with the Code Enforcement Official and one person designated by the Planning Board Chair is required to discuss the nature of the proposed use and to classify it as a major or minor project. If the Code Enforcement Official classifies the project as a major project, a preliminary conference with the Planning Board is required to discuss the nature of the proposed use and to determine the information that will need to be submitted in the site plan.
- B. Submission. All major project site plans shall be submitted, with multiple copies as required by the Planning Board, to the Code Enforcement Official, who shall distribute them to the Planning Board and such other municipal boards, officials, and consultants as the Planning Board deems appropriate. In addition to the site plan drawings, the Applicant shall submit:
  - (1) An Agricultural Data Statement as defined in Section 103-2, if required by §305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.
  - (2) The site plan application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.
- C. Application for area variance. Where a proposed site plan contains one (1) or more features which do not comply with the dimensional regulations of this

chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 116-4(H)(4) without a decision or determination by the Code Enforcement Official. Under no circumstances, may the Zoning Board of Appeals modify stream setbacks.

- D. SEQRA compliance. Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State environmental quality review.
- E. Public hearing and decision.
  - (1) The Town Board shall hold a public hearing on the site plan and shall follow the provisions on notice, agricultural data statements, county review, and time limits for special permits set forth in Article XIV.
  - (2) In recommending site plan approval, the Planning Board may recommend that the Town Board impose any conditions which it considers necessary to fulfill the purposes of this chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring use of 'Conservation Subdivision' design process in order to preserve environmental resources and minimize the burden on public services and facilities, and requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.
  - (3) If the Planning Board's resolution includes a requirement that modifications be incorporated in the site plan, conformance with these modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

Section 114-3 Administration and procedure for minor project site plan approval.

The procedure for minor project site plan approval by the Planning Board shall be the same as prescribed in Section 114-2 for major projects, except for the following:

- A. A minor project site plan application shall contain the following information: For nonagricultural structures, the Planning Board may request additional information listed in Section 114-1 if the Board deems it essential to conduct an informed review. Minor project site plan application materials may be prepared by a licensed professional engineer, architect, or landscape architect, but the Planning Board shall not require this unless the services of such professionals are necessary to provide accurate information or are otherwise required by law.

- (1) A sketch of the parcel on a location map (*e.g.* a Tax Map) showing boundaries and dimensions of the parcel and identifying contiguous properties within 200 feet of the proposed structure and any known easements or rights-of-way and roadways.
- (2) Existing features of the site lying within 200 feet of the proposed structure, including land and water areas, water or sewer systems, and the approximate location of all structures within 200 feet of the proposed structures.
- (3) The proposed location and arrangements of structures and uses on the site, including means of ingress and egress, parking, and circulation of traffic.
- (4) A sketch of any proposed structures (including signs), showing exterior dimensions and elevations of front, side, and rear views; copies of available blueprints, plans, or drawings.
- (5) A concise description of the project describing the intended use of proposed structures (including signs) and any changes in the existing topography and natural features.
- (6) The name and address of the applicant and any professional advisors, and the authorization of the owner if the Applicant is not the owner.
- (7) If the parcel contains a stream, wetland, or floodplain, a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

B. No public hearing shall be required for a minor project site plan. The Planning Board may, in its sole discretion, hold a public hearing following the procedures in Article XVII. If no public hearing is held, the Planning Board shall give notice to the County Planning Board and to farm operators in accordance with Section 117-1(G)(3) and shall render a decision within forty-five (45) days of its receipt of a complete site plan application. In order to approve a minor project site plan, the Planning Board must find that the proposal is generally consistent with the criteria in Section 114-1 and will not adversely affect neighboring properties.

#### Section 114-4 Implementation, revision, and enforcement of approved site plans.

A. Within six (6) months after receiving approval of a site plan, with or without modifications, the Applicant shall submit multiple copies of the site plan to the Planning Board for stamping and signing. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that



it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:

- (1) Record of application for and approval status of all necessary permits from federal, state, and county officials.
  - (2) Detailed sizing and final material specification of all required improvements.
  - (3) An estimated project construction schedule. If a performance guarantee pursuant to Subsection B is to be provided by the Applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
  - (4) Proof of payment of the Planning Board's reasonable review costs.
  - (5) Upon stamping and signing the site plan, the Planning Board shall forward a copy of the approved site plan to the Code Enforcement Official and the applicant. The Code Enforcement Official may then issue a building permit or certificate of occupancy if the project conforms to all other applicable requirements.
- B. Performance guarantee. No certificate of occupancy shall be issued until all improvements shown on the site plan are installed, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in Section 277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Planning Board, Town Attorney, Code Enforcement Official, other local officials, and its consultants.
- C. As-built plans and inspection of improvements. No certificate of occupancy shall be granted until the Applicant has filed a set of as-built plans with the Code Enforcement Official, indicating any deviations from the approved site plan. The Code Enforcement Official shall be responsible for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a certificate of occupancy upon a finding that the project as built complies in all material respects with the site plan.
- D. Site plan amendments. An approved site plan may be amended by filing an application with the Planning Board for a site plan amendment.
- (1) If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable special permit approval (or if no special

permit is required) and does not represent a substantial change from the approved site plan, it shall grant the amendment without a hearing.

- (2) If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable special permit approval (or if no special permit is required), but is a substantial change from the approved site plan, it shall follow the procedures for site plan approval contained in Article XVII and hold a public hearing if the amendment would be considered to be a major project.
- (3) If the Planning Board determines that the proposed amendment is inconsistent with the terms of any special permit approval, it shall consider the application to be one for a special permit amendment and proceed pursuant to Article XVII, Section 117-2(A).

E. Expiration, revocation, and enforcement.

- (1) A site plan approval shall expire if the Applicant fails to commence construction, to obtain the necessary building permits, or to comply with the conditions of the site plan approval within eighteen (18) months of its issuance or if the special permit with which it is associated expires. The Planning Board may grant a one-time six (6) month extension.
- (2) A site plan approval may be revoked by the Planning Board if the permittee violates the conditions of the site plan approval or engages in any construction or alteration not authorized by the site plan approval.
- (3) Any violation of the conditions of a site plan approval shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.

**ARTICLE XV**  
**Nonconforming Uses**

Section 115-1 Nonconforming elements.

Any modification of a nonconforming element subsequent to the enactment of this Local Law and any amendment thereto, including any addition, enlargement, alteration, structural alteration or change in use, shall only be made subject to the following provisions:

A. Nonconforming structures or buildings.

- (1) General maintenance and repair. Except as otherwise provided for in this section, nonconforming structures or buildings may continue to exist and be maintained and repaired.

- (2) Unsafe structures or buildings. Any structure or building or portion thereto declared unsafe by the Code Enforcement Officer of the Town may be strengthened or restored to a safe condition.
- (3) Structural alterations.
  - a. General. A nonconforming structure or building may not be structurally altered or renovated unless the owner thereof shall first apply to the Code Enforcement Officer and receive a permit authorizing such alteration or renovation. In granting such a permit, the Code Enforcement Officer must find that such proposed alteration or renovation will not be detrimental to the neighborhood.
  - b. Exceptions for certain alterations and renovations. . Alterations, renovations and additions to a nonconforming structure may be made only to the extent that such alterations, renovations or additions do not increase the degree of nonconformity and only to the extent that any nonconforming use related to the structure is not expanded. If there is any question or allegation as to any element of this exception, the application must be referred to the Zoning Board of Appeals.
- (4) Restoration. Nonconforming structures or buildings may be repaired or restored to their former condition after damage by casualty loss or deterioration due to the elements, except where damage involves more than 50% of the structure or building's market value as solely determined by the Code Enforcement Officer based upon input from the Town Assessor.

B. Nonconforming uses.

- (1) Continuance. Except as otherwise provided herein, nonconforming uses may continue to exist.
- (2) Extension. A nonconforming use may be expanded into any portion of a building that existed as of the time of enactment of this chapter; otherwise, a nonconforming use shall not be further expanded or extended.
- (3) Conversion. No nonconforming use, if changed to a conforming use, shall thereafter be changed back to a nonconforming use.
- (4) Restoration. The provision of Subsection A(4) regarding repair and restoration of a damaged nonconforming structure or building shall apply to a conforming structure or building containing a nonconforming use.

- (5) Discontinuance. Whenever a nonconforming use of a building, structure or land has been discontinued for a period of three (3) years, such use cannot be reestablished.

C. Nonconforming lots.

- (1) Modified yard requirements. The minimum lot width and area regulations herein set forth shall not apply to any lot having an area and/or width and/or depth less than that prescribed in this chapter, provided that such lot was designated and shown on a subdivision plat, tax map or deed filed and recorded in the office of the Cayuga County Clerk or Town Clerk of the Town of Scipio subsequent to December 9, 2015, prior to the effective date of this Zoning Law.
- (2) Nonconforming lot sizes. Whenever there shall have been legally created, prior to December 9, 2015, or as a result of transfer prior to said date, a lot of lesser width than required by the terms of this chapter for the district in which it is located, the minimum side yard width of such lot shall be proportionate to the side yard width otherwise required within such district, as the width of such lot is proportionate to the minimum lot width otherwise permitted in such district.

D. Other nonconforming elements.

- (1) Parking. No modification of a structure which increases the floor area devoted to an otherwise conforming use shall be made if such modification introduces or increases the degree of nonconformity with respect to off-street parking requirements.

## **ARTICLE XVI REVIEW AUTHORITIES**

Section 116-1 Responsibility for Administration.

Direct responsibility for the administration and enforcement of the provisions of this chapter shall be vested in the CEO, Town Board, Planning Board and Zoning Board of Appeals, all in accordance with the provisions of this Article and applicable New York State Law. In addition, each board and/or officer shall have the statutory powers granted by applicable state law.

Section 116-2 Town Board.

- A. Powers and Duties. In addition to the jurisdiction conferred on it by other provisions of the regulations of the Town and New York State Law, the Town Board shall have the following powers and duties.

- (1) Text amendments. In accordance with New York State Law, the Town Board shall be responsible for reviewing text amendment to this chapter and for taking final action to approve, approve with modifications or deny such proposed amendments.
- (2) Map amendments. The Town Board shall be responsible for reviewing map amendment (rezoning) applications and for taking final action to approve, approve with conditions or deny such applications.
- (3) Site plan review. Upon the recommendation of the Planning Board, the Town Board shall be responsible for reviewing site plans and for taking final action to grant, grant with conditions or deny site plan review approval.
- (4) Special permit issuance. Upon the recommendation of the Planning Board, the Town Board shall be responsible for reviewing special use applications and for taking final action to approve, approve with conditions, or deny such applications.

Section 116-3 Planning Board.

A. Membership.

- (1) Appointment and Terms.
  - a. The Planning Board shall consist of five (5) members appointed by the Town Board.
  - b. Successor board members shall be appointed for the term of five (5) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board.
- (2) Board Composition. All members of the Planning Board shall be residents of the Town of Scipio and shall not be officers or employees of the Town or any of its agencies or departments.
- (3) Vacancies. Vacancies on the Planning Board shall be filled by the Town Board.
- (4) Mandatory Training. All members of the Planning Board shall comply with the requirements of New York State Town Law.
- (5) Removal.

- (a) Any member of the Planning Board may be removed for cause by the Town Board at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public meeting. Cause for removal of a member may include one or more of the following:
  - (i) Any undisclosed or unlawful conflict of interest;
  - (ii) Any violation of the codes, ordinances or rules applicable to the member's performance of their duties;
  - (iii) Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner;
  - (iv) Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Town Board to be detrimental to the proper functioning of the Board;
  - (v) Members may be removed from the Planning Board if they miss thirty-three (33%) percent of the meetings during the course of one (1) calendar year, miss three (3) consecutive meetings or do not meet their mandatory training requirements.

B. Chairperson and Vice Chairperson. The Town Board shall appoint one (1) of the Planning Board members as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office. The Chairperson shall annually appoint one (1) of his members as Vice Chairperson.

In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Board.

C. Planning Board Secretary and Public Record. The Planning Board Secretary shall attend all its proceedings and, upon request, the proceedings of any of its Committees. The Secretary shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board. The Town Clerk shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

- D. Voting Procedures. As to any matter before the Planning Board, no business shall be transacted by the Board without three (3) members of the Board being present. The concurring vote of at least three (3) members shall be necessary for any action by the Board, subject to state law.
- E. Decisions and recommendations.
- (1) Decisions. The Planning Board may rely on the personal knowledge of its members, testimony at the public hearings, on its inspections of the property and on any reports available to it. Every decision of the Planning Board shall be by resolution and shall expressly set forth any limitations or conditions imposed or use authorized.
  - (2) Final Decision. All decisions of the Planning Board shall occur at a meeting open to the public and shall state any special circumstances or conditions. Decisions of the Board shall be final upon adoption of the minutes and/or resolution of Planning Board by a majority of the members of the Planning Board and the filing of the minutes and/or resolution with the Office of the Town Clerk, whichever shall occur first.
  - (3) Failure to Act. In any case where this Chapter provides that the failure of the Planning Board to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision. Where no decision is made by the Planning Board and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.
  - (4) Notification of Decision. Within five (5) business days following the final decision on such applications, the Secretary shall mail notice thereof to each person entitled to such notice and file such decision in the office of the Town Clerk. However, any failure to provide such notice shall not affect such decision. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.
- F. Conflicts. No member of the Planning Board shall participate in the hearing or disposition of any matter in which they have an economic interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law shall disqualify a member.
- G. Appeals. An appeal from any final decision of the Planning Board may be taken within 30 days of the filing of such decision by any person aggrieved or by any

authorized officer, CEO or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.

- H. Jurisdiction and Authority. The Planning Board shall have the following jurisdiction and authority:
- (1) To review and recommend on matters relevant to the Comprehensive Plan.
  - (2) To hear, review and offer its recommendations to the Town Board.
  - (3) To hear, review and offer its recommendations to the Town Board to decide applications for Site Plan approval.
  - (4) To investigate and report its recommendations with respect to any proposed change or amendment in the Zoning Ordinance or regulations of said town and to pass upon any other matters which may from time to time be referred to it by the Town Board or the Zoning Board of Appeals.
  - (5) Such other powers and duties imposed and/or granted by law.

#### Section 116-4 Zoning Board of Appeals.

A. Membership.

- (1) Appointment and Terms.
  - (a) The Zoning Board of Appeals shall consist of five (5) members appointed by the Town Board.
  - (b) Successor board members shall be appointed for the term of five (5) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur, the Town Board shall appoint a successor who shall serve for the unexpired portion of the term of his predecessor,
- (2) Board Composition. All members of the Zoning Board of Appeals shall be residents of the Town of Scipio and shall not be officers or employees of the Town or any of its agencies or departments.
- (3) Vacancies. Permanent vacancies on the Zoning Board of Appeals shall be filled by the Town Board.
- (4) Training. All members of the Zoning Board of Appeals shall comply with the requirements of New York State Town Law.
- (5) Removal.



- (a) Any member of the Zoning Board of Appeals may be removed for cause by the Town Board at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public meeting. Cause for removal of a member may include one or more of the following:
  - (i) Any undisclosed or unlawful conflict of interest;
  - (ii) Any violation of the codes, ordinances or rules applicable to the member's performance of their duties;
  - (iii) Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner;
  - (iv) Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Town Board to be detrimental to the proper functioning of the Board.
  - (v) Members may be removed from the Zoning Board of Appeals if they miss 33 percent of the meetings during the course of one (1) calendar year, miss three (3) consecutive meetings or do not meet their mandatory training requirements.

B. Chairperson and Vice Chairperson. The Town Board shall appoint one (1) of the Zoning Board of Appeals members as Chairperson to preside at all meetings and hearings and to fulfill the customary functions of that office. The Chairperson shall annually appoint one (1) of his members as Vice Chairperson.

In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Board.

C. Public Record. The Zoning Board of Appeals shall provide for the keeping of the record of the proceedings of the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Town Clerk shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

D. Voting Procedures.

- (1) Quorum. As to any matter before the Zoning Board of Appeals, no business shall be transacted by the Board without three (3) members of the Board being present. The concurring vote of three (3) members shall be necessary for any action by the Board, subject to state law.
- (2) Voting. A member absent from any portion of a hearing or meeting shall be qualified to vote at a subsequent hearing or meeting upon the matter heard.
- (3) Hearings. All meetings and hearings of the Zoning Board of Appeals shall be open to the public.

E. Decisions.

- (1) Decisions. The Board may rely on the personal knowledge of its members, testimony at the public hearing, on its inspections of the property and on any reports available to it. Every decision of the Zoning Board of Appeals shall be by resolution and shall expressly set forth any limitations or conditions imposed or any relief approved or work or use authorized.
- (2) Final Decision. Decisions of the Zoning Board of Appeals shall first present findings and conclusions at a meeting open to the public and shall state any special circumstances or conditions. Decisions shall be final upon adoption of the minutes and/or resolution of the Board and the filing of the minutes and/or resolution with the Office of the Town Clerk, whichever occurs first.
- (3) Failure to Act. In any case where this local law provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision.

Where no decision is made by the Zoning Board of Appeals and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.

- (4) Notification of Decision. Within five (5) business days following the final decision of the Zoning Board of Appeals, the Town Clerk shall mail notice thereof to each person entitled to such notice and file such decision in the office of the Town Clerk. However, any failure to provide such notice

shall not affect such decision. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.

- F. Conflicts. No member of the Zoning Board of Appeals shall participate in the hearing or disposition of any matter in which they have an economic interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law shall disqualify a member.
- G. Appeals. An appeal from any final decision of the Zoning Board of Appeals may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, CEO or board of the Town in accordance with Article 78 of the New York Civil Practice Law and Rules.
- H. Jurisdiction and Authority. The Zoning Board of Appeals shall have the following jurisdiction and authority:
  - (1) To hear and decide appeals from, and review orders, decisions or determinations made by the CEO.
  - (2) To approve or deny variances from the requirements of this local law.
  - (3) To reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
  - (4) Such other powers and duties imposed by law.

Section 116-5 Code Enforcement Officer.

- A. Powers and Duties. The CEO shall have the following powers and duties:
  - (1) Submit an annual report to the Town Board listing all applications received, inspections made, referrals and action taken on each. Copies of this report shall be transmitted to the Zoning Board of Appeals and Planning Board at the same time.
  - (2) Cause any plans, structures or premises to be examined or inspected to determine compliance with the provisions of this chapter. In the fulfillment of these duties, they shall be authorized to enter any premise or structure at a reasonable time and upon reasonable notice to determine

whether or not the same is in violation of this chapter and may impose such reasonable conditions including but not limited to the posting of securities as may be deemed necessary to ensure compliance.

- (3) Provide the Zoning Board of Appeals, in writing, with all facts pertaining to the refusal to issue development permits and certificates when such information is requested by the Board. For denied development permits provide, in writing, the specific reasons for denial and instruct the applicant on the proper methods to apply for relief.
- (4) For violations of this local law:
  - (a) Notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action to correct it.
  - (b) Order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations or structural changes; stop work or discontinuance of any illegal work being done; or
  - (c) Take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- (5) On the serving of the notice by the CEO to the owner of any property in violation of any of the provisions of this local law, the certificate of occupancy for such structure or use shall be held null and void. A new certificate of occupancy shall be required for any further use of such structure or premises.
- (6) Issue appearance tickets pursuant to authorized sections of the New York State Criminal Procedure Law and exercise such other powers and duties authorized by State Law.

## **ARTICLE XVII PROCEDURES**

Section 117-1 Board and CEO review procedures.

The following procedures shall apply unless otherwise modified elsewhere in this local law.

- A. Initiation of application. A property owner and its duly authorized agent or other persons having a contractual interest shall make an application required under this chapter for the subject property.

- B. Compliance required. No application for a land use permit, Site Plan, Special Permit, Subdivision, Interpretation of any law, rule, ordinance or regulation, Zone Change, Map Amendments or Variances shall be accepted where there are existing violations or delinquent real estate, School, Town or County taxes assessed against the subject property and/or fees imposed by local law, except where such application is intended to cure the violations. Additionally, proof that all local, state and federal regulations and permits have been complied with or obtained shall be submitted as part of the application.
- C. Simultaneous processing. Whenever two (2) or more forms of review and approval are required under this chapter, applications for those development approvals may be processed simultaneously where not otherwise prohibited by law.
- D. Application forms and application filing fees. Applications required under this Article shall be submitted in a form and in such numbers as required by the CEO. Applications shall be accompanied by the fee amount that shall be established by the Town Board and elsewhere under the Code. The reviewing board shall have the authority to waive application requirements, except fees, that are not applicable to a specific project. Applications shall not be processed by the reviewing board where sufficient filing fees have not been remitted.
- E. Application completeness. An application shall be considered received when it is accepted in the required form, includes all mandatory information, including all exhibits and is accompanied by the applicable fee and is determined to be complete for purposes of processing by the CEO. Such determination shall be made within ten (10) days following submission of an application but failure to make such determinations within the ten (10) days does not relieve the applicant of the requirement to submit a completed application. If an application is determined to be incomplete, the CEO will provide written notice to the Applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur and no public hearings shall be scheduled until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 30 days, the application shall be considered withdrawn and the application will be returned to the Applicant.
- F. Referral to Cayuga County Planning Department. Applications subject to General Municipal Law §239 shall be referred to the Planning Department at Cayuga County in accordance with the provisions of General Municipal Law §239 unless otherwise so determined by law or agreement.
- G. Notification for public hearings.
  - (1) Public hearings shall be required for the following:
    - a. Zoning Map or Zoning Text Amendments by Town Board.

- b. Site Plan Review by the Planning Board.
  - c. Special Permit Uses by the Zoning Board of Appeals.
  - d. Variances by the Zoning Board of Appeals.
  - e. Interpretations by the Zoning Board of Appeals.
  - f. Subdivisions by the Planning Board pursuant to law.
- (2) Setting hearing. For all matters properly brought before the Planning Board or Zoning Board of Appeals for which a public hearing is required by this local law, the body charged with conducting the hearing shall, upon receipt of a completed application, select a reasonable time and place for such hearing.
- (3) Mailed and other notices.
- a. The Applicant shall be required to mail the appropriate notices for public hearings to all owners of property within 500 feet of the subject property, as measured between nearest property lines. Where notice by mail is required, it shall be given at least five (5) days in advance of the hearing date by regular US mail.
  - b. The cost of such notice or notices shall be borne by the appellant or applicant, as the case may be.
  - c. Notwithstanding the specific notification rules contained in this Section, each Board may, in its own discretion, and as the case warrants, provide greater notice in the interest of fuller public participation.
  - d. The Applicant shall prominently display at the subject property the official notice on a form provided by the Code Enforcement Officer for a period of no less than five (5) days prior to said hearing. Such notice shall be easily visible from the street at all times.
  - e. Failure to provide such notice shall not be deemed a jurisdictional default to processes listed herein and, in no event, shall such failure be a basis or grounds for overturning a decision of the reviewing board.

- (4) Published notice. Where published notice is required, it shall be placed in an official paper or a newspaper of general circulation in the Town at least once, not less than five (5) days before the date of the hearing.
- H. Filing of approvals.
- (1) The Town of Scipio Town Clerk or Secretary to the Planning and Zoning Board of Appeals shall file all applicable restrictions and other conditions (either in the form of minutes or a resolution) as approved by the Planning Board, Town Board or Zoning Board of Appeals as required by the Town Code with appropriate officers and agencies.
  - (2) All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the approval shall provide that they may not be modified, removed or released without the express consent of the Town Board and shall provide that they may be enforced by the Town of Scipio.
  - (3) All filing fees and expenses are the responsibility of the applicant.
- I. Saving clause. Except as otherwise required by statute, failure to comply with any of the notice requirements as set forth in this Section shall not invalidate any action taken by any Board.
- J. Certificates of Occupancy.
- (1) No structure hereafter erected shall be used and no land shall be used or changed in use until a certificate of occupancy therefore has been issued by the CEO.
  - (2) No structure hereafter altered shall continue to be used for more than thirty (30) days after the alteration is completed unless a certificate of occupancy shall have been issued by the CEO.
  - (3) Except upon a written order of the Board of Appeals, no certificate of occupancy shall be issued for any structure or use that would be in violation of any of the provisions of this local law.
  - (4) Applications for certificates of occupancy shall be made upon such forms and shall be accompanied by such layout or plot plans as shall be prescribed by the CEO to facilitate enforcement of this chapter in conjunction with the New York State Building Code, as amended.
- K. Dismissal of application. In addition to other decision options available, the Planning Board, Zoning Board of Appeals or Town Board (“Board”) may dismiss any application pending before it, if the Board in its discretion, reasonably exercised, determines that the application has not been or is not being actively

pursued and moved forward by the applicant. Any such dismissal may be without prejudice, as may be determined by the Board.

Section 117-2 Criteria for decisions.

A. Special Permits.

- (1) Considerations in granting or denying special permits. In authorizing any special permit use, the reviewing board shall take into consideration the scale of the proposed project and the possible impacts of the proposed project on the nearby properties, as well as any proposed conservation easements, architectural restrictions or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic, natural or historic character of the Town. The reviewing board shall also take in strict account the specific conditions set forth in Article X for certain uses, applicable supplementary regulations and the following general objectives:
  - a. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to existing and future roadways shall be in harmony with the orderly development of the district in which the proposed use would be located.
  - b. The location, nature and height of the buildings, walls and fences and the nature and intensity of intended operations shall not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
  - c. All proposed traffic access ways shall be adequate but not excessive in number, adequate in width, grade, alignment and visibility and sufficiently separated from street intersections and places of public assembly and meet similar safety considerations.
  - d. Adequate provision for safe and accessible off-street parking and loading spaces shall be provided to prevent the parking in public streets of the vehicles of persons associated with or visiting the use.
  - e. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and roadways, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the extent practicable.



- f. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.
  - g. The character and appearance of the proposed use, which shall include any and all buildings, structures and/or signs, shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would the operations of any permitted principal use and shall not adversely affect the general welfare of the inhabitants of the Town of Scipio.
  - h. The use shall meet the prescribed area and bulk requirements for the district in which located or as further specified in the supplementary regulations, including such matters as minimum setback, maximum height, required off-street parking and sign regulations.
  - i. The level of services required to support the proposed use is or shall be available to meet the needs of the proposed use. This consideration should include the suitability of water supply and sanitary sewage facilities, whether private or publicly provided, to accommodate the intended use.
  - j. The proposed use shall be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources.
  - k. The Planning Board shall impose additional conditions and safeguards upon the special permit as may be reasonably necessary to assure continual conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced.
- B. Special Permit amendments. The terms and conditions of any special permit may be amended in the same manner as required for the issuance of a special use permit, following the criteria and procedures in this Section.

**ARTICLE XVIII  
ENFORCEMENT**

Section 118-1 Penalties for Offenses.

Unless otherwise stated, a violation of this local law shall be an offense punishable by a fine not to exceed \$500 or by imprisonment for a period not to exceed ten (10) days, or both. Each day's continued violation shall constitute a separate, additional violation.

Section 118-2 Conditions of Approval.

A violation of a condition imposed pursuant to this local law shall be deemed a violation of this local law and shall be an offense punishable pursuant to Section 118-1.

**ZONING - Attachment I**  
**Town of Scipio - Use Table**

Use Category	Use Districts			
	Agricultural / Residential (ARD)	Hamlet (HD)	Light Industrial/ Commercial Overlay (LICOD)	Waterfront Conservation Overlay (WCOD)
Accessory dwelling units	PS***	PS***	S	--
Accessory uses	P	P	P	--
Adult uses	--	--	SR	--
Animal Day Care, Kennel/ Shelter	S	--	S	--
Artisan uses	--	P	P	--
Assembly, fabrication/packaging	--	--	SR	--
Athletic Fields/ Active Recreation	--	P	P	--
Auto repair	--		SR	--
Bed-and-breakfast homes	S	S	--	--
Cemetery/Crypt	S	--	--	--
Community Services	--	--	--	S*
Conservation Land	--	--	--	P
Construction Services	--	--	P	--
Dwelling, Single Family	P	P	S	P*
Dwelling, Two Family	P	P	S	P*
Dwelling, Multi-family	SR1	SR	--	--
Educational Facility	SR	--	--	--
Elderly congregate housing	--	SR	PS	--
Elder cottage	P***	P***	--	P***
Emergency Service Facility	S	--	--	--
Family Day Care Home	S	P	P	--
Farm and Farming	P	P	--	--
Funeral Home	--	--	S	--
Furniture refinishing	--	S	S	--
Golf Course/Country Club	SR	--	--	--
Home Occupation in a Dwelling (see Section 110-4)	P3	P3	--	P3

**Key:**

- P Designates a use permitted by right.
- PS Designates a use permitted by right, subject to site plan review.
- SR Designates a use permitted by special permit with referral to the Zoning Board of Appeals for major projects.
- S Designates a use permitted by special permit.
- Designates a prohibited use.
- \* Site plan review required for any activity for which a building permit is required, or which involves the disturbance of 500 sq. ft. or more of land within 300 feet of the high water mark or a watercourse; or any activity which involves the disturbance of 3,000 sq. ft. or more of land
- \*\* Requires Site Plan Review as set forth in Article XIV.
- \*\*\* Only in Option 2 Low Density Subdivision
- 1 Only permitted in a conservation subdivision.
- 2 Only in connection with agricultural use or as provided in Section 110-4.
- 3 Requires a special permit if more than two (2) nonresident employees or 30% of dwelling unit floor space.

Use Category	Use Districts			
	Agricultural / Residential (ARD)	Hamlet (HD)	Light Industrial/ Commercial Overlay (LICOD)	Waterfront Conservation Overlay (WCOD)
Hotel and Motel	--	--	SR**	--
Library	--	P	--	--
Light manufacturing	--	--	SR**	--
Manufacturing	--	--	SR**	--
Marina, Lakefront	--	--	--	S*
Municipal or public facility	SR	SR	--	--
Outdoor seating/ assembly area	--	--	S	--
Private Club	--	--	P	--
Photo lab	--	--	S	--
Printing press	--	--	SR	--
Professional Offices or Services	SR2	PS	SR	--
Public Utilities Facilities	SR	SR	SR	--
Recreational and entertainment facilities (Indoor/Outdoor)	--	SR	SR	SR*
Religious Use	SR	P	--	--
Residential Accessory Use	P	--	--	--
Restaurant	SR2	SR	SR	--
Retail, Neighborhood	--	S	--	--
Sawmill	--	--	SR	--
Schools	SR	PS	SR	--
Silviculture & associated processing	P	P	PS	--
Stable Private	PS	--	PS	--
Temporary Use	S	S	--	--
Temporary outdoor sales	SR	SR	SR	--
Tenant house	S***	S***	--	--
Transportation	SR	SR	SR	--
Veterinary Practice	S	--	--	--
Warehousing	--	--	SR**	--
Waste management	--	--	SR	--
Welding	--	--	SR	--

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