

**ZONING ORDINANCE**

**for**

**TOWN OF SANGERFIELD**

**ONEIDA COUNTY, NEW YORK**

**Zoning Ordinance For  
The Town Of Sangerfield**

(Outside of the limits of the Village of Waterville)

**Oneida County**

**New York**

At their meeting on February 12, 1980, the Town Board of the Town of Sangerfield has adopted the following zoning ordinance. Revised, Mobile Home law, 1990 and amendments, 1995. Local Law for mobile home parks, 1995. (Separate attachment.)

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**ARTICLE 1  
Enactment and Application**

**Section 100.1 Title**

This ordinance shall be known and may be cited as the Town of Sangerfield Zoning Ordinance.

**Section 100.2 Enacting Clause**

The Town Board of Sangerfield in the County of Oneida under the authority of Section 261 of the New York State Town Law hereby ordains, enacts and publishes as follows.

**Section 100.3 Purposes of the Zoning Ordinance**

The purposes of this Zoning ordinance and the zoning districts and regulations herein set forth and as outlined on the zoning map are to provide for the orderly growth of the Town, to encourage the most appropriate use of land, to protect and conserve the value of property, to prevent the overcrowding of land, and to promote the health, safety and general welfare of the

public.

**Section 100.4 Application of Regulations**

Except for existing uses and other facilities as herein provided:

- a. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, extended, or put in place unless in conformity with the regulations herein specified for the district in which it is located.
  
- b. No building shall hereafter be erected, altered, or put in place
  - 1. to exceed the height.
  - 2. to accommodate or house a greater number of families.
  - 3. to occupy a greater percentage of lot area, or
  - 4. to have narrower or smaller bordering yards than specified for the district in which such a building is located.
  
- c. No part of a yard or other open space around any building required in conformity with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building.

**ARTICLE 2**

**DISTRICTS AND BOUNDARIES**

**Section 201 Establishment of Districts**

The Town of Sangerfield is hereby divided into the following districts

- A-G Always Green
- A-R Agricultural-Residential Districts
- I Industrial
- FH Flood Hazard Area
- C Commercial

**Section 202 Zoning Map**

The zoning districts are shown, defined and bounded on the map entitled "Town of Sangerfield, Zoning Map": which with all of explanatory matter thereon is hereby made a part of this ordinance. The zoning map shall be on file in the town office.

**Section 203 Zoning Schedule**

The Zoning Schedule shows for all districts the permitted minimum sizes of lots, sides and bordering yards, and maximum building heights.

## NOTES:

- a. Measured from the road right-of-way. Applies to each side of a lot that adjoins a public road.
- b. Where community water supply and sewer are used, one-half lot area and smaller bordering yards are permitted: LOT: 100' Front x 150' Depth; Yards: 30' Front x 20' Sides 50' Rear.
- c. Accessory farm buildings (silos, barns, etc.) are exempt from height limits.
- d. Requires a special use permit issued by the board of appeals.
- e. A buffer area which is free of all storage of materials and or accessory buildings shall be maintained in good condition by the owner. Such buffer area shall be at least 15 feet wide measured from the side and rear lot lines of the property.
- f. Each mobile dwelling lot shall connect to an access road within the mobile dwelling park and the front yard of each lot shall be measured from the edge of this access road.
- g. Supplementary Housing for immediate family or hired hands, sharing a satisfactory sewage disposal system, does not require separate lots.
- h. 100 ft. setback is required for buildings housing animals.

### Section 204 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning map, the following rules shall apply:

- a. Distances shown on the zoning map are perpendicular or radial distances from the street property lines measured back to the district boundary line, which lines in all cases, where distances are given, are parallel to the street line.
- b. Where district boundaries are indicated as approximately following the center lines of streets, railroad lines, or streams, such as center lines shall be construed to be such boundaries.
- c. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be boundaries. Otherwise, the district boundaries shall be 200' back from the nearest road right-of way line.
- d. Where district boundaries are so indicated in that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance from the street property line as indicated on the zoning map. If no distance is given such dimension shall be determined by the use of the scale shown on the zoning map.
- e. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- f. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Sangerfield unless otherwise indicated.
- g. Questions concerning the exact location of the district boundary lines shall be resolved by the board of appeals.

MINIMUM DIMENSIONS

A - R District	Lot Area	Lot Front ft	Lot Depth ft (a)	Yards Front ft (a)	Yards Side ft	Yards Rear ft	Max. Bldg. ht. & ft.	Notes
Single-family unit	40,000 sq. ft.	150	125	50	40	50	35	e
Two-family unit	45,000 sq. ft.	150	125	50	40	50	35	b, e
Multi-family at 10,000 sq. ft. per dwelling unit		150	125	50	40	50	45	d, e
Cluster development		On separate application for a special use permit.						
Farm	5 ac.	150	125	50				
Farm buildings				50	50	50		c, g, h
Mobile dwelling	40,000 sq. ft.	150	125	50	40	50	35	e, d
Mobile dwelling park	2 ac.	150	125	50	30	50		b, d, e
Each unit, 5,000 sq. ft.		70	50	30	20	20	35	f
Business, Professional, or Industrial, on separate lots	1 ac.	100	75	50	40	50	35	b, d, e
Accessory Buildings								

## ARTICLE 3

### ZONING DISTRICTS

#### Section 301 Agricultural-Residential District A-R

The purpose of this district is to:

1. Provide attractive built-up areas in rural settings that will maintain health via proper sewage disposal, safe water supply, and the minimum of nuisance in different land uses.
2. Preserve farm lands and adjoining settlements as long as possible, to provide for separate residences of all kinds, and to invite all other uses, under certain controls, in order to assure the livelihood and enjoyment of those who live there.

#### Section 301.1 Principle Uses Permitted

- a. One-family dwellings built on a foundation, except mobile dwellings.
- b. Two-family dwellings built on a foundation
- c. Farms and farm buildings already present
- d. Pasture, orchards, tree nurseries, reforestation areas
- e. Farms and farm buildings for related agricultural activities.
- f. On a farm either two, one family dwellings or two mobile dwellings for immediate family or hired hands.

#### Section 301.2 Accessory Use Permitted

- a. Private garages.
- b. Customary accessory structures: tool houses, playhouses, greenhouses, not to exceed 750 square feet and not to be less than 10 feet from the rear line of the lot.
- c. Animal shelters for domestic pets, including horses, properly maintained
- d. Other structures such as private swimming pools and fire places.
- e. Customary farm buildings located on the same parcel as principle use.
- f. Off-street parking.
- g. Roadside stands for the sale of seasonal farm produce or homemade items. Such stands are to be set back at least 30 feet from the road right-of-way, provide safe off-street parking for at least three motor vehicles, and include a driveway that permits vehicles to enter the road without backing onto it.
- h. Customary home occupations or professional offices conducted by the residents.
- i. Seasonal Camp.
- j. Wildlife conservation and harvesting.
- k. Fishing and hunting preserves.
- l. Non-intensive outdoor recreation, non-commercial.
- m. Accessory buildings necessary to the principle use and which do not include any activity commonly conducted as a separate business.

#### Section 301.3 Uses Requiring a Special Use Permit

- a. Multi-family housing.
- b. Cluster development of dwellings built on a foundation

- c. Churches and other similar places of worship, parish houses, convents and similar facilities of religious groups.
- d. Public recreation areas including parks, playgrounds, and playfields.
- e. Public buildings, libraries, museums, public and non profit private schools accredited by the State Education Department.
- f. Hospitals, colleges that are licensed or accredited by New York State.
- g. Professional home occupations, provided they are carried on in conjunction with the residential use of the property by residents, and with no evidence except sign.
- h. Public utility uses.
- i. Development of flood hazard areas, Special Flood Hazard Areas designated by the Federal Government, swamps, wetlands, streams, lakes, steep slopes, and agricultural districts certified by the New York State Department of Environmental Conservation.
- j. Mobile dwelling parks.
- k. All business, professional, and industrial establishments.
- l. Day camps, guest or vacation homes for pay, and private clubs
- m. Commercial outdoor recreation such as ski runs, snow-mobile parks, miniature golf courses, driving ranges and race tracks.
- n. Mobile Dwelling for temporary and emergency use.
- o. Mobile dwellings on individual lots. (attached law)

### **Section 302 Commercial – C**

The following uses are permitted in Commercial District C:

- 1. Shopping center
- 2. Retail store or service
- 3. Personal service
- 4. Business office
- 5. Restaurant, bar
- 6. Hotel, motel
- 7. Indoor recreation
- 8. Community center
- 9. Private club
- 10. Sale of new products, produce goods and equipment
- 11. Wholesale distribution service
- 12. Motor vehicle, mobile home, boat, farm and contractors, equipment sales
- 13. Freight or trucking terminal
- 14. Public utility facility
- 15. Gasoline Service station
- 16. Car wash
- 17. Enclosed accessory uses
- 18. Feed Mills and Fertilizer Plants

### **Section 302.1 Commercial – C, Area, Yard, Coverage, Height, Supplementary Regulations**

Lot Area Minimum;	60,000 square feet
Building line Width Minimum	150 feet
Front Yard Minimum	75 feet
Side Yards Minimum	15 feet each

Rear Yard Minimum	10 percent of the lot depth
Coverage Maximum:	30 percent
Building Height Limit:	35 feet

**Supplementary Regulations**

1. Site plan approval by Zoning Board of Appeals is required.
2. There shall not be more than one entrance and one exit per establishment upon any public highway, and distance between Entrance and exit, if separated, shall be not less than 100 feet.
3. No entrance or exit shall be closer than 150 feet to an intersection of two public highways.

**Section 302.2 Commercial-C. Uses Requiring Special Permit**

1. Petroleum Products Bulk Terminal
2. Other Commercial Uses.

**Section 303 Industrial – I**

The following uses are permitted in Industrial Districts, I:

1. Enclosed manufacturing industries
2. Enclosed warehouse or wholesale use
3. Public Utility structure
4. Enclosed service and repair
5. Machinery and transportation equipment, sales, service and repair
6. Enclosed industrial processes and services
7. Freight or trucking terminal
8. Contractor’s yard
9. Garage
10. Parking
11. Accessory building use

**Section 303.I, Industrial –I, Uses Requiring Special Permit**

The following uses are permitted after issuance of a Special Permit.

1. Aviation landing field
2. Quarry
3. Junk yard

**Section 303.2 Industrial - I, Area, Yard, coverage, Height, Supplementary Regulations**

District Area Minimum:	50 acres
Lot Area Minimum:	20,000 square feet
Building Line Width Minimum:	100 feet
Lot Depth Minimum:	150 feet
Front Yard Minimum:	40 feet
Rear Yard Minimum:	50 feet abutting Residential and Agricultural districts

Side Yard Minimum:	50 feet abutting residential and Agricultural districts
Coverage Maximum:	35 percent
Building Height Maximum:	Three stories or 45 feet, whichever Is less
Supplementary Regulations:	1. Site plan approval by Zoning Board Of Appeals required.

### **Section 304 Always Green District A-G**

The purpose of this district is to preserve natural areas by restricting all building, construction, changes or modifications and to preserve the district as it now exists.

## **ARTICLE 4**

### **SUPPLEMENTARY REGULATIONS**

#### **Section 401 Additional Regulations for all Lots**

This article provides for the safety of the occupants or buildings and of those who use the roads. Therefor, it is urged that those who build, buy, use, repair or remodel any buildings shall observe the standards published by New York State under the Model Housing Code, the Building Construction Code, the State Code for Construction and Installation of Mobile Homes, and similar codes that may be published later. A copy is available for public use in the Town Clerk's office.

#### **Section 402 Obstruction of Vision**

On a corner lot, there shall be no obstruction of vision creating a safety hazard for anyone using the intersecting roads. The determination of an appropriate "clear zone" shall be made by the zoning officer and county or town highway superintendent.

#### **Section 403 Access and Safety**

Changes or additions to existing yard, driveways, driveway entrances and exits, landscaping, and the location and height of buildings and enclosures may be required by the town board in sustaining appeals to reduce traffic hazards or to safeguard adjacent properties.

#### **Section 404 On-Premises Parking Space for Vehicles**

For every building hereafter erected, the following minimum parking spaces shall be provided on the premises:

Residential Uses; Two per dwelling unit.

Hotel, Motel, Tourist Home, Boarding House: One per guest room plus three for service.

Other Businesses: One per 100 square feet of customer floor space.

Public Assembly, Government Buildings, Outdoor Recreation: As required in granting the special use permit.

#### **Section 405 Performance Standards**

In all districts any uses that endanger the health, safety or welfare of any person are prohibited. The planning board under its powers of site plan review shall decide whether proposed uses meet reasonable standards for such purposes, while any existing uses judged to be a menace or nuisance may be cited to the zoning officer by a written complaint, as provided in Section 608.a.

Such standards shall apply to noise, odor, dust, dirt, smoke, noxious gasses, building vibrations, dangerous glare or other impairment of vision, contamination of soil and open water systems, and other physical conditions.

#### **Section 406 Storage of Flammable Liquids, Chemicals, and Explosives**

The design, construction, maintenance, and operation of storage facilities for flammable liquids, chemicals, and explosives shall comply with all applicable laws, codes, and regulations.

#### **Section 407 Screening of Junkyards**

New and existing junkyards visible from an adjacent public road shall be screened on all sides by a fence and/ or visual barrier to provide a visual barrier not less than eight feet high. The barrier shall not be closer to the lot line than specified for other business establishments in Section 203, Zoning schedule.

#### **Section 408 Extraction of Topsoil, Sand, Gravel, or Stone**

All land owners shall comply with the New York State Mined Land Reclamation Law (Chapter 1043, 1044) which requires that operators who mine more than 1000 tons of minerals from the earth within 12 successive calendar months must obtain a permit for such operations from the Department of Environmental Conservation.

#### **Section 409 Conservation of Steep Slopes**

The construction of new buildings, roads, and other facilities on slopes of 15% or more grade (15% equals 1 ½ foot rise in 10 feet horizontal distance) shall require a special use permit, and a performance bond may be required. Logging on such areas shall comply with the New York State Department of Environmental Conservation Standards.

#### **Section 410 Public Utilities and Services**

All new construction and erection, except hookups to single customers from existing facilities, require the granting of a special use permit. This applies to, but is not limited to, those utilities that furnish power, fuel, water, communications, and such public services as fire, police, solid waste disposal, and premises for government agencies.

#### **Section 411 Buildings and Sites of Historic or Natural Value**

All such buildings and sites that are or may be designated by the Town Board shall require a special use permit before alteration or destruction.

## **Section 412. Dwelling Unit Tie Anchors**

All dwelling units shall be securely affixed to a foundation or footings sufficient to resist lifting, tipping, or rolling during high winds.

## **Section 413. Non-conforming Uses**

- a. Lawful use of any building or land existing at the time of enactment of this ordinance may be continued although such use does not conform with this ordinance, except as hereinafter provided.
- b. When a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with this ordinance.
- c. No non-conforming use shall be changed to other than a conforming use for the district in which it is situated.
- d. A non-conforming use may be rebuilt or restored following damage by natural causes (including fire, wind, and motor vehicles) provided that it shall not be enlarged without issuance of a special permit.
- e. Expansion or enlargement of a non-conforming use shall be subject to issuance of a special permit.

## **ARTICLE 5**

### **SPECIAL FLOOD HAZARD AREA REGULATIONS**

The following regulations are enacted to protect the health, safety, and welfare of the inhabitants of the Town of Sangerfield from hazards due to periodic flooding. Such regulations shall apply to the construction or significant alteration or installation of any principal building or structure located or to be located in special Flood Hazard Areas as designated and mapped by the Federal government. All uses shall be subject to the issuance of a special use permit.

## **Section 501 Regulations**

- a. No structure (temporary or permanent), fill for any purpose, deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which, acting alone or in combination with existing or future uses, will duly affect the efficiency or the capacity of the floodway or unduly increase flood heights, cause increased velocities, or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.
- b. Structures shall have a low flood damage potential, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters (i.e., longitudinal axis parallel to the direction of flood flow, and placement approximately on the same flood flow lines as those of adjoining structures), and shall be firmly anchored to prevent floatation which may result in damage to other structures, restrictions of bridge openings and other narrowing of the stream or river. Service facilities such as electrical and heating equipment shall be constructed at or above the flood protection elevation for the particular area or shall be flood-proofed.

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- c. The board of appeals shall require that the applicant submit a plan certified by a registered professional engineer that the flood-proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area. Flood-proofing measures may be required for all buildings and structures, other than those which have a low flood damage potential. Such measures may include the following where appropriate:
1. Anchorage to resist flotation and lateral movement.
  2. Reinforcement of walls to resist water pressures.
  3. Installation of watertight door, bulkheads and shutters.
  4. Use of paints, membranes, or mortars to reduce seepage of water through walls.
  5. Addition of mass or weight to resist flotation.
  6. Installation of pumps to lower water levels in structures.
  7. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
  8. Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors.
  9. Elimination of gravity flow drains.
  10. Construction to resist rupture or collapse caused by water pressure or floating debris.
  11. Elevations of structures to or above the necessary flood protection elevation.
- d. New or replacement water supply systems shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- e. On-site waste disposal systems shall be located so as to avoid impairment or contamination from the systems during flooding.
- f. Residential structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood level.

### **Section 502 Additional requirements**

In addition to the above, any such use shall meet the following requirements:

- a. Such use shall include flood-proofing measures consistent with the flood protection elevation and associated flood factors for the particular area in which construction is to take place: or
- b. Any structure built on pilings shall be constructed with the lowest floor elevated to at least one foot above the 100-year flood level; or
- c. Any structure built on solid fill shall be constructed at an elevation of the 100-year flood level with the lowest floor elevated to at least one foot above the 100-year flood level.

### **Section 503. Subdivision review**

All proposed subdivisions (including mobile-dwelling parks) shall be planned so as to:

- a. Minimize flood damage.
- b. Locate and construct new utilities to minimize or eliminate flood damage.

- c. Provide adequate drainage.

#### **Section 504 Procedure**

It shall be the responsibility of the applicant to illustrate the manner in which all of the preceding requirements are to be met.\* The enforcement officer shall not issue a site development permit until all requirements are accommodated in the plan of the applicant and a special permit has been authorized by the board of appeals.

These Special Flood Hazard Area regulations shall take precedence over other conflicting or less stringent law and regulations.

#### **SECTION 505. Liability**

Nothing in this article shall impose a liability on the enforcement officer with the exception of a flagrant neglect of duty.

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\*The petitioner may refer to "Flood Proofing Regulations, prepared and published by the U.S. Army Corps of Engineers, Washington, D.C. ( June 1972). A copy is available for inspection at the Town Clerk's office.

### **ARTICLE 6**

#### **ADMINISTRATION AND ENFORCEMENT**

##### **Section 601. Enforcement**

This ordinance shall be enforced by the zoning officer.

##### **Section 602. Fees**

Fees may be charged for permits issued, and for processing of applications for appeals for interpretation of decisions, for variances, and for special use permits, except as provided in Section 604.

##### **Section 603. Site Development Permit Procedure**

- a. No building shall be erected, extended, or put in place until the zoning officer has issued a site development permit certifying that it meets all the requirements and a building permit has been issued by the Building Codes Officer.
- b. Application for a site development permit, including instructions on procedure and statement of fee, shall be obtained from the town clerk before construction begins.
- c. The site development permit shall be issued or denied with 30 days of receipt of the complete application and proper fee.
- d. If construction authorized by a site development permit has not been started

and continued within one year, the permit shall be canceled

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### **Section 603.1 Minor Alterations**

Any exterior structural alteration or any addition of buildings or shelters using materials with a total value of less than \$2000.00 shall not require a permit but such alteration or addition must conform both to this ordinance and to the town sanitation ordinance.

### **Section 604 Appeals Procedure**

#### **Section 604.1 Appointment of a Board of Appeals**

The town board shall appoint a board of appeals as required by Chapter 62 of the Consolidated Laws of the State of New York, Article 16, Section 267. Its purpose is not to make laws but to provide flexibility where needed in the application of this zoning ordinance according to law.

#### **Section 604.2 Powers and Duties of the Board of Appeals**

The Board of Appeals shall have the following powers and duties:

- a. Upon appeals from a decision, to decide questions involving interpretation of any provision of this ordinance.
- b. To grant area and use variances upon application, if justified.
- c. To issue special use permits required by this ordinance.
- d. Decisions of the Board of Appeals shall be made within 90 days from the time that the application has been filed with the board; decisions shall be by resolution, shall contain a full statement of findings of fact in the case, and shall be recorded in the minutes of the board. In a case of restoration because of destruction beyond the owner's control, the Board of Appeals should meet within one week.

#### **Section 604.3 Application to the Board of Appeals**

An appeal for interpretation of a decision made by an officer of the town on any part of this ordinance, or a request for a variance, or a special use permit may be made to the town clerk. In reply, the Town clerk will furnish an application form and instructions, along with a statement of the standards to be followed by the board of appeals and the procedure, including a public hearing, required by law. When the application form is filled in and returned to the town clerk, along with the prescribed fee, it will be given to the Board of Appeals.

#### **Section 604.4 Variances and Special Permits**

A **variance** is a legal permit for a modification of some part of the zoning ordinance to meet an individual hardship. It may authorize a change in the permitted size or use of a specific building or a parcel of land. It serves only the person whose request for the variance is approved.

A **special use permit** gives some means of control of proposed new uses of land and buildings that are specifically permitted by this ordinance.

When either a variance or a special use permit is granted, the board of appeals may prescribe any conditions to be observed in order to protect the health, safety, or welfare of the public, to preserve the general character of the neighborhood, and to minimize possible detrimental effects

on nearby property.

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### **Section 604.5 Standard for Granting Variances**

- a. The board of appeals shall act in strict accordance with the procedure specified by the law and by this ordinance. All applications made shall be in writing on forms prescribed by the board. Every application shall refer to the specific provision of the ordinance involved, the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted.
- b. At least 35 days before the date of the public hearing required by law, the secretary shall transmit to the planning board a copy of the application, with supporting documents, and notice of hearing. The planning board shall submit a report of its advisory opinion prior to the hearing. Failure of the planning board to submit a report shall signify its approval of the application.

### **Section 604.6 Standards for Granting Variances**

No variance for modification of the strict application of any provision of this ordinance shall be granted by the board unless it finds that:

- a. Strict application of the ordinance would product undue hardship and that the hardship is not self-created.
- b. The hardship is unique and is not shared by all properties alike in the immediate vicinity of the property and the district.
- c. The variance would observe the spirit of the ordinance and would not change the character of the district, or be injurious to the neighborhood, or be otherwise detrimental to public welfare.
- d. The variance is the minimum necessary to grant relief.

### **Section 604.7 Granting of Special Use Permits**

- a. An application to the Board of Appeals for a special use permit shall be accompanied by 3 sets of preliminary site plans and other descriptive matter to show clearly the intentions of the applicant. These documents shall become a part of the record to determine if the proposed special use meets the requirements of this ordinance.
- b. At least 35 days before the date of the public hearing required by law, the Secretary shall transmit to the planning board a copy of the application, with supporting documents, and notice of hearing. The planning board shall submit its recommendation within 35 days, failing which its approval shall be assumed.

### **Section 604.8 Standards for Granting Special Use Permits**

The Board of Appeals shall issue a special use permit only after it has found that all the following standards and conditions have been satisfied:

- a. Location, size of use and structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with orderly development of the district.
- b. Location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
- c. The special use shall not conflict with any master plan, or part thereof.

- d. Operations of any special use shall not be more objectionable to nearby properties than would be the operations of any permitted use.
- e. A special use permit shall not be issued for a use on a property where there is an existing violation of this ordinance.
- f. Special use permits are not transferable and shall have an expiration date determined by the board of appeals.
- g. The use shall not have an adverse effect on the agricultural industry of the area.
- h. The use shall be in strict compliance with the requirement of Article 5.

The Board of Appeals may impose additional standards on the special use to provide adequate safeguards to protect the health, safety, or general welfare of the public, to preserve the general character of the neighborhood in which such proposed special use is to be placed, and to minimize possible detrimental effects of use on adjacent property.

#### **Section 604.9 Issue of Site Development Permits**

The Board of Appeals, at a regular meeting public meeting of the board, shall review and approve, or approve with modifications, all permitted uses listed as requiring site plan approval before a zoning permit is issued. Failure to do so shall result in denial of a permit.

#### **Section 604.10 Submission of Site Plan and Supporting Data.**

A site plan and supporting data for a special use permit shall be submitted to the board of appeals. The owner shall submit a site plan and supporting data as required and shall include all or a portion of the following information presented in drawn form and accompanied by a written text. The amount of information will depend on the scope of the proposal.

- a. Survey of the property, showing existing features of the property, including contours, large trees, buildings, structure, streets, utility easements, right-of-way, land use, zoning and ownership of surrounding property.
- b. Site plan showing proposed lots, blocks, building locations, and land use area.
- c. Traffic circulation, parking and loading spaces, and pedestrian walks.
- d. Landscaping plans, including site grading, landscape design, and open areas.
- e. Preliminary architectural drawings for buildings to be constructed, including floor plans, exterior elevations, and sections.
- f. Preliminary engineering plans, including street improvements, storm drainage system public utility extensions, water supply, and sanitary sewer facilities.
- g. Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the planning board.
- h. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas.
- i. A description of the proposed uses, including hours of operations, number of employees, expected volume of business, and type and volume of traffic expected to be generated.

#### **Section 604.11 Site Plan Approval**

The board of appeals shall review the site plan and supporting data before approval, rejection, or approval with stated conditions as given, and take into consideration the following:

- a. Harmonious relationship between proposed uses and existing adjacent uses.
- b. Maximum safety of vehicular circulation between the site and street network.
- c. Adequacy of interior circulation, parking and loading facilities, with particular attention to vehicular and pedestrian safety.
- d. Adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection to adjacent residential districts.

Should changes or additional facilities be required by the board, final approval of the site plan shall be conditional upon the satisfactory compliance by the owner with the changes or additions.

Any owner wishing to make changes in an approved site plan shall submit a revised site plan to the board of appeals for review and approval.

#### **Section 604.12 Performance Bond as a Condition of Site Plan Approval**

The planning board may recommend to the board of appeals as a condition of site plan approval that the owner file a performance bond in such amount as they determine to be in the public interest to insure that the proposed development will be built in compliance with the accepted plans.

#### **Section 605. Changes and Amendments of the Zoning Ordinance**

- A. Local law for Mobile Home Placement in the Town. Filed April 4/16/90-Attachment
- B. Local law for mobile home parks. Adopted Oct.4,1985, Other amendments adopted.

#### **Section 605.1 Periodic Review**

From time to time, at intervals of not more that three years, the town planning board shall re-examine the provisions of this ordinance and the location of district boundary lines and shall submit a report to the town board recommending such changes or amendments, if any, which may be desirable in the interest of the safety, health, or welfare of the public.

#### **Section 605.2 Procedure for Amendments**

- a. Regulations, districts and boundaries established by this ordinance may be amended or repealed after official notice has been given and a public hearing has been held by the town board as required by law and county planning board review received in certain cases as mandated in Art. 12-B, Sec. 239-m of the General Municipal Law.
- b. Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner, and filed in triplicate with the town board or the zoning officer, and accompanied by the required fee.
- c. At least 35 days before the date of the public hearing required by law, the town shall transmit to the planning board a copy of the proposed amendment or change, with supporting documents, and notice of hearing. The planning board shall submit its recommendation within 35 days, failing which its approval shall be assumed.
- d. The planning board may require a site plan of the proposed development for which a change of zoning district is sought to assist them in their understanding of the case.
- e. The town board shall hold a public hearing within 60 days of the submission date of any petition as required by this section.

### **Section 606. Referral to County Planning Board**

Requirements for referral to the Oneida County Planning Board as defined in Sec.239.1, m, n of Article 12-B of the General Municipal Law shall be strictly complied with.

### **Section 607. Violations**

- a. Any person may file a complaint about a violation of this ordinance. Such complaints must be in writing, signed, and filed with the zoning officer, the town clerk, or the town board. The zoning officer shall investigate promptly and take the appropriate action to satisfy that complaint.
- b. Any proved violation of this ordinance must be reported to the offender by the zoning officer or the town board, with the date by which the violation must be corrected. Continued violation beyond the specified date is an offense punishable by a fine of up to \$50. Each 10 days of continued violation shall constitute a separate offense.

### **Section 608. State Supreme Court review**

Anyone who is aggrieved by a decision of the board of appeals in the implementation of this ordinance may apply to the State supreme court for review which shall be within 30 days after the filing of that decision in the office of the town clerk.

### **Section 609 Separability**

If any part of this ordinance is found to be invalid by any court of competent jurisdiction, such judgment shall not invalidate the remainder of this ordinance.

### **Section 610. Enforcement**

The provisions of this ordinance shall be strictly enforced by the zoning officer.

### **Section 611. Effective Date**

The Town of Sangerfield Zoning Ordinance of 1980 shall take effect at the time and in the manner prescribed by law.

**Town of Sangerfield**

**Local Law No. 1 of the year 1990**

A local law for Mobile Home Placement in the Town of Sangerfield

Be it enacted by the Town Board of the Town of Sangerfield as follows;

I. PURPOSE. It is recognized that mobile homes provide moderately priced housing, and readily available house, for numerous people within the Town of Sangerfield. However, the uncontrolled placement of mobile homes within the Town may be detrimental to organized residential development within the Town. Therefore, the purpose of this Local Law is to amend the the Town of Sangerfield Zoning Ordinance..

11. SECTION 301.1, PRINCIPAL USE PERMITTED in an Agricultural-Residential District of the Town of Sangerfield Zoning Ordinance is hereby amended to delete subsection "g. Mobile dwellings on individual lots.."

111. SECTION 301.3, USES REQUIRING A SPECIAL USE PERMIT of the Town of Sangerfield Zoning Ordinance is hereby amended to include a new subsection "Mobile Dwellings on Individual Lots".

1V. This local law shall take effect upon filing with the Secretary of State.

Filed April 16, 1990

## APPENDIX 1

### Definitions

#### Customary meaning of words.

Except where specifically defined herein all words used in this ordinance shall carry their customary meaning. Words used in the present tense include the future, and the plural includes the singular, the word "lot" includes the word "plot", the word "building" includes the word "structure", the word "shall" is intended to be mandatory: "occupied" or "used" shall be considered as though followed by words "or intended, arranged or designed to be used or occupied."

#### DEFINITIONS

**Animal Hospital:** Any structure under veterinary supervision for the treatment of sick or injured animals.

**Building:** Any structure other than a boundary wall or fence which covers or encloses space.

**Building, Accessory:** A supplemental building, the use of which is incidental to that of a main or principal building or incidental to the principal use and located on the same lot therewith. All accessory buildings must conform to front and side yard requirements of the district in which they are located.

**Building Area:** The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

**Building, Farm:** Any building used for the housing of agricultural equipment, produce, livestock or poultry, or for the incidental or customary processing of farm products, and provided that such building is located, operated in conjunction with, and necessary to the operation of the farm.

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

**Building Line:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches whether enclosed or unenclosed (but does not include steps), and any overhang. In the case of a cantilevered building, the building line shall coincide with the most projected surface.

**Building, Principal or Main:** A building in which is conducted the principal use of the lot on which it is located.

**Camp, Seasonal:** Land on which is located one cabin, camping trailer, shelter, or other accommodation suitable for seasonal or temporary living purposes, exclusive of mobile dwellings, primarily for the use of the owner.

**Camp, Day:** Any land including any building thereon used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families, or groups.

**Camping Ground:** A parcel of land used or intended to be used, let, or rented for occupancy by persons utilizing trailers, tents, campers, or other such forms of recreational dwelling.

- Certificate of Compliance:** A certificate issued by the proper officer of the town upon completion of construction, alteration, or change in occupancy of use of a building. Said certificate shall acknowledge compliance with all the requirements of this ordinance and such adjustments thereto granted by the board of appeals.
- Club, Membership:** An organization catering to members and their guests, including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain providing they are not operating any vending machines or merchandising or commercial activities except as required generally for the membership and purposes of such club.
- Cluster Development;** A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, but maintaining the density limitation imposed by said minimum lot area through the provision of open space as a part of the subdivision plan.
- Commercial or Business:** Of or pertaining to purchase, sale, or transaction involving the disposition of any article, substance, commodity or service; the maintenance or conduct of offices, professions, or recreational or amusement enterprises conducted for profit; and also the renting of rooms, business offices and sales display rooms and premises.
- Coverage:** That percentage of the plot or lot area covered by the building area.
- Domestic Animals or Pets:** Animals which normally live in the same dwelling unit as their owner and are not kept for a commercial use.
- Dump:** A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.
- Dwelling, Permanent;** A building designed or used as the permanent living quarters for one or more families. The term "dwelling" shall not be deemed to include automobile court, rooming house, tourist home, motel, hotel, or temporary camps.
- Dwelling, Seasonal:** A building such as a cabin, shelter, or other accommodation suitable only for seasonal living quarters, exclusive of a mobile dwelling.
- Dwelling, One-family:** A detached building containing one dwelling unit only and intended for use of a single family.
- Dwelling, Two-family:** A detached building containing two dwelling units.
- Dwelling, Multi-family:** A building or portion thereof containing three or more dwelling units and used for occupancy by three or more families living independently of each other.
- Family:** One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and occasional guests.
- Farm:** Any parcel containing five or more acres of land which is normally used for gain in the raising of agricultural products, including crops, livestock, poultry, dairy products, orchards, nurseries and tree plantations, maple sugar, and stabled animals. It includes necessary farm buildings and structures within the prescribed limits and the storage of equipment used.
- Special Flood Hazard Area:** That area along a waterway designated and mapped by the U.S. Department of Housing and Urban Development under the Flood Disaster Protection Act of 1973 as subject to flooding that could damage buildings, and structures, and accessory installations in that area.

- Swamps, Wetlands:** Areas with permanent or seasonal standing water, or those so designated by the Soil Conservation Service and other government agencies.
- Garage, Private:** An accessory building used in conjunction with a principal building which provides for the storage of motor vehicles and in which no occupation, business, or services for profit are carried on.
- Garage, Public;** Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental servicing or equipping of automobiles or other motor vehicles.
- Home Occupation:** Any use customarily carried on in a dwelling unit or in an accessory structure by a member of the family living in the dwelling unit and not more than four other non-family employees, which use is secondary to the residential purpose of the dwelling and produces no offensive noises, vibration, smoke, dust, odors, heat or glare.
- Hospital:** Unless otherwise specified, the term "hospital" shall be deemed to include without limitation sanitarium, sanatorium, preventorium, clinic, rest home, convalescent home, nursing home, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.
- Hotel, Motel, Tourist Home:** A building or buildings in which overnight accommodations are provided for transient guests for compensation.
- Industry or Industrial:** Means and includes storage, manufacture, preparation, processing, or repair of any article, substance, or commodity and the conduct of the industrial trade but shall not mean such preparation, processing, or repair as are customarily applied to articles, substances, or commodities in retail businesses or trade for on-the-premise transactions.
- Institutions:** A building occupied by a non-profit corporation or non-profit establishment for public use.
- Junkyard:** Land used commercially for the collecting, storage, and sale of waste paper rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of two or more motor vehicles either unlicensed or not in operating condition.
- Kennel:** Any premises on which four or more dogs over fourth months of age are kept for commercial care.
- Landscaped Area:** Any non-built-upon area of grass, agricultural fields, pasture, woodlot, forest, standing or flowing water, maintained in healthy condition.
- Lot:** A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this ordinance. No area shall be counted as accessory to more than one main building or use, and no area necessary to for compliance with the open space requirements for one main building or use shall be included or counted in the calculation of the open space accessory to any other main building or use. (See diagram of dimensions of lots at end of these definitions.)
- Lot Area:** An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.
- Lot Depth:** The mean distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.
- Lot Lines:** The property lines bounding the lot.

**Lot, Through:** An interior lot having frontage on two parallel or approximately parallel Streets.

**Lot, Width of:** The mean width measured at right angles to its depth.

**Mobile Dwelling:** Any vehicle, or combination thereof, used, designed for use, or capable of being used for complete housekeeping purposes, including cooking, sanitation and sleeping for one or more persons, originally designed to be moved from one location to another by means of wheels affixed to an axle or carriage affixed to the vehicle, whether propelled by its own power or by the power of another vehicle to which it may be attached, and whether the axle or carriage to which the wheels may be affixed are detachable or detached regardless of whether it is attached or unattached for permanent foundation, and irrespective of the name or title assigned or designated by the manufacturer of that unit or any other person. A prefabricated dwelling built to State Building Code Regulations, or a sectional dwelling, and all travel trailers, truck campers and motor homes shall not be considered a mobile dwelling.

**Mobile Dwelling Park (Trailer Park):** Any area of land or a building designed as a parking space for two or more mobile homes which are used for living purposes in space leased or rented commercially, whether currently occupied or currently open for public occupancy.

**Non-Conforming Building:** A building which in its design or location upon a lot does not conform to the regulation of this ordinance for the district in which it is located.

**Non-Conforming Lot:** A lot of record existing at the date of the passage of this ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

**Non-Conforming Use:** Any use of any building, structure, or land existing at the time of enactment of this ordinance which does not conform to the use regulations of the district in which it is situated.

**Parking Space or Parking Space Unit:** An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways or driveways, and having direct access to a street, highway, or alley.

**Plat:** A map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties.

**“Public Water” or Public Sewer:** Wherever the phrase “public water” and / or “public sewer” is used, it shall be deemed to refer to a water or sewage system which is owned and operated by a government authority or by a utility company or a sewer district adequately controlled by a government authority.

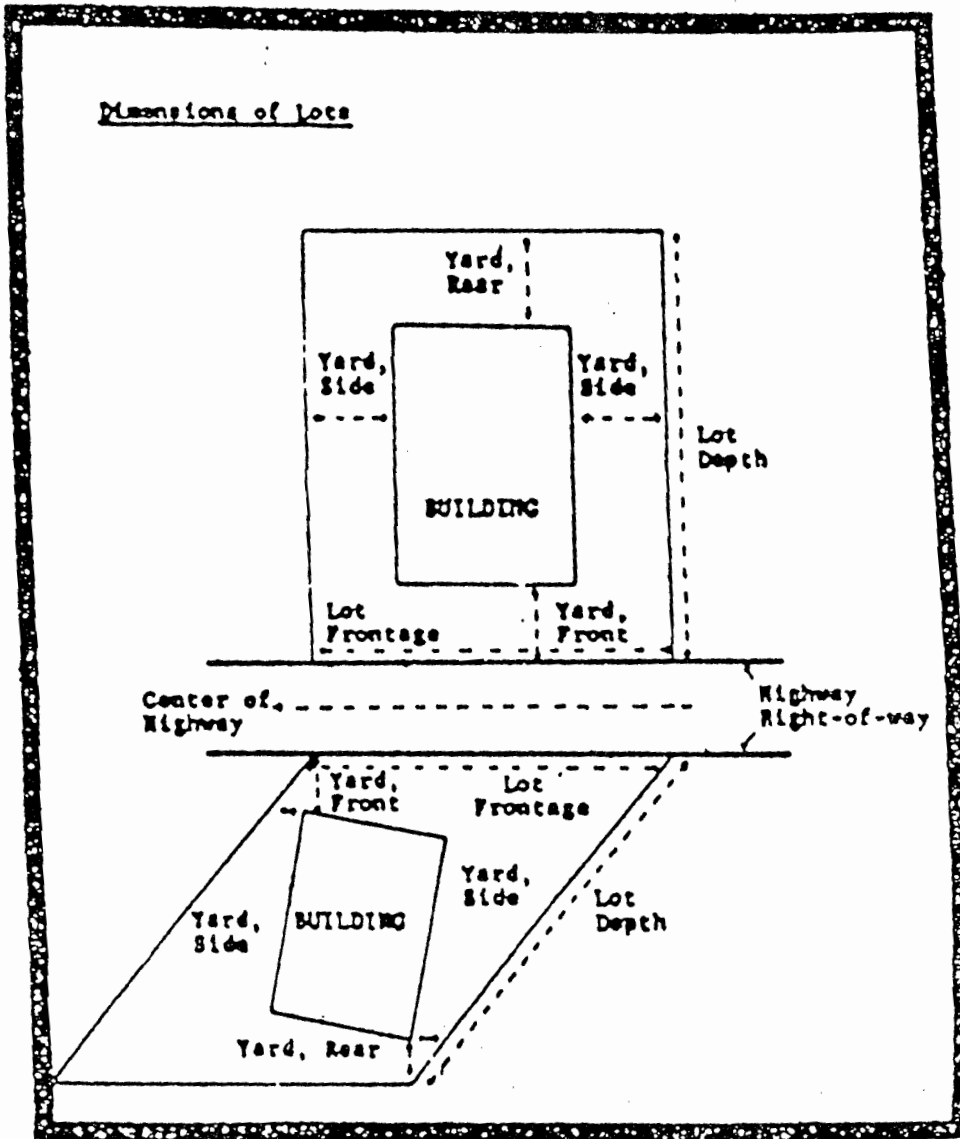
**Restaurant:** Any establishment, however designated, at which food is regularly sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. However, a snack bar or refreshment stand at a public, semi-public or community swimming pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

**Right-of-Way:** The line determining the street or highway public limit of ownership. Also, an easement established for passage across land.

**Sign:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public: each display surface shall be considered to be a “sign”.

- Sign, Off-premises:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- Sign-On-premises;** Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- Site Development Permit;** A permit issued by the zoning officer upon approval of a site plan certifying that any building that is to be erected, extended, or put in place conforms to the district requirements and the zoning schedule of this ordinance and to its provisions for traffic safety and parking space, and if necessary, to the town sanitation ordinance.
- Site Plan:** Maps and detailed descriptive text required for any proposed development so designated by the board of appeals. (See Section 604.10)
- Special Use Permit;** A permit that allows those uses of land or buildings specifically listed in this ordinance and with conditions set out in the granting of such permit.
- Stable, Private:** An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.
- Stable, Public:** A building in which any horses are kept for remuneration, hire, or sale.
- Use, Accessory:** A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.
- Use, Principal:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- Utilities, Community:** Community facilities for water supply and distribution, sewage collection and disposal, storm drainage, owned and operated by a private owner, semi-public agency or a public agency, for three or more dwellings or establishments.
- Utilities, Public and/or Semi-Public:** Distribution points, transmission lines and stations, substations, storage yards, garages, and other central buildings and /or related uses for the operation and provision of public and semi-public power, fuel, water, and communications service licensed by the Public Service Commission.
- Variance, Area.** A legally permitted modification of a zoning ordinance to allow for different dimensions in the area coverage of a specific parcel of land.
- Variance, Use:** A legally permitted modification of a zoning ordinance to allow a different use of a specific parcel of land or of a specific structure.
- Yard:** An unoccupied space open to the sky, on the same lot with a building or structure.
- Yard, Front;** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the edge of the highway right-of-way and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the nearest point of the front line of the building and the street line, or the center of the road, as specified. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
- Yard, Rear;** An open unoccupied space on the same lot with a main building, extending full width of the lot and situated between the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be an alley, and the nearest point of the rear line of the main building. Accessory buildings may be built on the rear yard unless the lot is a "through lot".
- Yard, Side:** An open unoccupied space on the same lot with the principal building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Dimensions of Lots



Districts -

MG - Always Green Area

FH - Flood Hazard Area

A-R - Agricultural-Residential

(all areas not labeled)

C - Commercial

I - Industrial

