

TOWN of SIDNEY ZONING ORDINANCE

An ordinance establishing a comprehensive zoning plan for the unincorporated area of the Town of Sidney by dividing the territory thereof into certain districts and prescribing certain regulations for such districts.

ADOPTED SEPTEMBER 1965
AMENDED NOVEMBER 21, 1979
AMENDED SEPTEMBER 1, 1980
AMENDED JANUARY 3, 1991
AMENDED MAY 31, 2000
AMENDED JUNE 12, 2003

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**ARTICLE I
TITLE**

Section 100. Title - This ordinance shall be known and may be cited as "The Town of Sidney, New York, Zoning Ordinance."

**ARTICLE II
PURPOSE**

Section 200. Purpose - There is hereby established a comprehensive zoning plan for the unincorporated area of the Town of Sidney, which plan is set forth in the text and map that constitute this ordinance. This plan is adopted in accordance with Sections 261, 262 and 263 of the Town Law in order to promote the public health, safety, morals and the general welfare of the Town, to provide adequate light, air, and convenience of access, to prevent the overcrowding of land, to avoid undue concentration of population, to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

**ARTICLE III
DEFINITIONS**

Section 300. Definitions - For the purpose of this ordinance certain terms or words herein shall be interpreted or defined as follows: When not inconsistent with the context, words used in the present tense include the future tense, the singular number includes the plural and the plural the singular. The word "person" includes a corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The term "shall" is always mandatory.

1. Accessory Use - A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
2. Accessory Building - A subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
3. Building - Any structure having a roof supported by columns or walls for the housing or enclosure of person, animals or chattels. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each such part shall be deemed to be a separate building except as regards requirements for side yards as hereinafter provided.

4. Building Line - A line parallel to the street line, between which line and the street line no building may be built.

5. Building Height - All measurements of building heights shall be made and determined in the following manner:

If a curb level has been established on the street on which the building faces and the mean natural level of the lot is lower or not more than 5 feet higher than the mean front curb level the measurement shall be made from the curb level. If the mean natural level of the lot is more than 5 feet higher than the curb level or if there be no established curb level or if the building sets back more than 50 feet from a street, the measurement shall be made from the mean natural level of the lot immediately adjacent to the building foundation. All such measurements shall be made vertically upward to the mean level of the main portions of the roof.

6. Camouflaging - The construction of facilities to house or support telecommunication towers or antennas so that the towers and/or antennas blend readily with the landscape, neighborhood, and adjacent architectural features. Examples of camouflaging that could be used are: silo and barn, windmill, and simulated tree.

7. Co-Location - The mounting of antenna(s) or other telecommunications equipment used by two or more providers, persons, firms or corporations on the same antenna support structure, monopole, or antenna tower.

8. Communication Tower and Facilities - A site development including a structure on which antennas or other telecommunications devices are located for television, radio, data, imagery, telephone or other forms of telecommunications and all related structures and improvements necessary for the operation of such facility.

9. Dwelling - (As amended 9/1/1980) Any building or portion thereof designed or used exclusively as the residence or sleeping place for one or more persons and including the following specific types:

Dwelling, Single Family - A conventionally built, detached dwelling, designed for or occupied exclusively by one family and containing not more than one dwelling unit.

Dwelling, Two Family - A detached dwelling containing not more than two individual dwelling units.

Dwelling, Multiple - One or more dwellings, or portions thereof used or designed as a residence for three or more dwelling units.

Dwelling, Mobile Home - A detached dwelling containing not more than one dwelling unit and having the following characteristics:

(a) Manufactured as a relocatable dwelling unit for year-round occupancy and for installation on a mobile home stand or a foundation with or without a basement.

(b) Designed to be transported on its own chassis and connected to utilities after placement on a lot or mobile home stand.

(c) Designed to be installed as a complete single-wide or double-wide unit with incidental unpacking, expanding and assembling as needed.

(d) Designed and manufactured as the type of unit which would require, after Jan. 15, 1974, a seal as provided for in the State Code for Construction and Installation of Mobile Homes.

Dwelling, Modular - A detached, single family dwelling containing not more than one dwelling unit and manufactured in two or more sections for transport to a site and assembly on a foundation. A mobile home (see above) is not a modular home for purposes of this ordinance.

Mobile Home Park - A contiguous parcel of land, at least ten acres in area and under one ownership or management, upon which two or more mobile homes are placed for nontransient use and which is developed in accordance with Article X-A of this ordinance.

10. Dwelling Unit - One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

11. Farm - Any parcel of land which is used for the raising of agricultural products, livestock, poultry and dairy products by a resident owner or tenant as a primary source of income.

12. Farm Structure - Any structure necessary to the operation of a farm and for the storage of farm equipment, except dwellings, garages used for the storage of non-farm vehicles, and roadside stands used for the sale of products raised on the premises.

13. Filling Station - Any establishment supplying and selling gasoline or other equivalent fuel direct to motor vehicles from a pump or pumps located outside a building and on private property.

14. Garage (private) - A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles used by the occupants of the premises, including space for not more than three passenger vehicles used by others.

15. Garage (public) - A structure or portion thereof, other than a private or community garage, used for the storage, hire or repair of self-propelled vehicles or trailers.

16. Home Occupation - Minor (As amended 1/3/91) Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic hospital, tea room, tourist home or any similar use shall not be deemed to be a Home Occupation. Individually owned and operated barber shop or beauty shop with not more than one employee shall be considered a Home Occupation.

16.1 Home Occupation - Major (as amended 1/3/91) A profession or vocation, full or part time, conducted within a building or structure accessory to the inhabitant's dwelling, which use is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

17. Kennel - Any premises on which 4 or more dogs over 4 months of age are kept.

18. Lot - A parcel of land for occupancy by a building or use and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are arranged and designed to be used in connection with such building. A lot may be or may not be the land shown as a lot on a duly recorded plot.

(a) Corner Lot - A lot of which at least two adjacent sides abut for their full lengths upon streets.

(b) Interior Lot - A lot other than a corner lot.

19. Lot Depth - The mean horizontal distance between the front and rear lot lines.

20. Lot Width - The least horizontal distance across the lot between side lot lines, measured at the front of a main building erected or to be erected on such lot or at a distance from the front lot line equal to the required depth of front yard.

21. Lot Lines - The property lines bounding the lot. In the case of a lot abutting on more than one street, the owner may elect any street lot line the front lot line. The rear line shall be the lot line most distant from the front lot line.

22. Nacelle - The portion of the wind turbine that connects the rotor to the support tower, and houses the generator, gearbox, drive train, and braking system.

23. Non-conforming Use - A legally existing use of land, premises, building or structure, existing at the time of the effective date of this ordinance, which fails to comply with the regulations set forth in this ordinance applicable to the district in which such use is located.

24. **Parking Space** - An off-street space which is available for the parking of one motor vehicle, has an area of not less than 200 square feet exclusive of passageways and driveways giving access thereto, and which has direct access to a street.

25. **Reception Hall** - A building not to exceed 5,000 s.f., commonly used for public or private events or activities such as meetings, social gatherings, entertainment and exhibitions which do not sell alcoholic beverages.

26. **Right of Way** - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

27. **Siting Agency:** Persons or persons who are applying to site a wind energy-deriving tower facility.

28. **Small Commercial Business** - land use or activity which involves the sale of goods or services carried out for profit and does not violate any of the following criteria:

1. the business must be the principal use of an individual lot
2. the business portion of the lot must be at least 3-acres in size
3. no business building shall exceed 5,000 s.f.
4. the business employs ten (10) or fewer people
5. business outdoor storage cannot exceed 10,000 s.f.
6. the business ingress/egress must meet the Town's minimum driveway standards and a written inspection from the highway superintendent is required and appropriate driveway permits must be obtained,
7. there must be at least 200 feet of sight distance in all directions when entering a public highway from the business ingress/egress

29. **Street** - Any road, avenue, lane, alley or other way which has become a public highway or an approved private right-of-way.

30. **Street Line** - The lot line of a street. (Do not confuse with the curb line.)

31. **Street Grade** - The elevation of a street as established by the Town.

32. **Structure** - Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

