

**TOWN OF FLEMING
LOCAL LAW 2020-1**

A Local Law Amending the Town of Fleming Zoning Law

WHEREAS, pursuant to authority vested in the Town of Fleming ("Town") by the Municipal Home Rule Law of the State of New York, the General Municipal Law of the State of New York and the Town Code of the Town of Fleming, the Town Board may from time to time amend its Zoning Law as needed to clarify, supplement, reconcile, amend or correct provisions in that Law; and

WHEREAS, in consultation with the Town Zoning Officer and Town Codes Enforcement Officer, the Town Board has considered a number of amendments to its Zoning Law and has selected certain of those amendments to be the subject of a local law for enactment in accordance with its lawful authority; and

WHEREAS, Pursuant to General Municipal Law Sections 239(l) and (m), the proposed local law has been referred to the Cayuga County Department of Planning and Economic Development for review and comment, which Department has rendered comments that were duly considered and addressed by the Town Board and its professionals; and

WHEREAS, the Town of Fleming Planning Board has reviewed and considered the contents of the proposed local law, and has transmitted its recommendations on the law to the Town Board for the Board's consideration; and

WHEREAS, upon due notice, at the regular meeting of the Town Board held on July 13, 2020, the Town Board conducted a public hearing to hear and consider public comments on the proposed local law; and

WHEREAS, the Town Board also addressed the project's environmental impacts pursuant to the State Environmental Quality Review Act ("SEQRA") on July 13, 2020, declaring and identifying the action as an Unlisted Action and declaring a Negative Declaration under SEQRA for the project, which Negative Declaration was approved by a vote of 5-0; and

WHEREAS, upon due notice, at a regular meeting of the Town Board for the Town of Fleming held on July 13, 2020 at 6:30 p.m., the Town Board approved the enactment of the proposed local law amending the Town Zoning Law by a vote of 5-0; and

NOW, THEREFORE, BE IT RESOLVED,

that the Town of Fleming Town Board hereby enacts Local Law 2020-1 to amend the Town Zoning Law, the content of which is as follows:

1. The foregoing recitals are incorporated herein as if set forth at length.

2. Zoning Law Section 1-3 (“Word usage; Definitions”) shall be amended by adding the following language:

Marina

A commercial use in the Lakeshore District whose purpose includes: the sale, servicing or rental of boats, watercraft, and marine equipment; sale of fuel for boats, watercraft and marine equipment; sale or rental of fishing, boating and incidental supplies; rental of dock or mooring space; restrooms and marine dump facilities; provision of winter storage for boats, watercraft or marine equipment; and provision of boat or watercraft access to Owasco Lake.

In addition, the Lakeshore District Bulk and Use Table (Page A-4) shall be amended to include “Marina” under the list of Uses Requiring a Special Use Permit. The dimensional limits shall be: min. lot size – 22,000 square feet; min. lot width – 80 feet; min. front setback – 50 feet; min. side setback – 20 feet; min. rear setback – 30 feet; min. green space – 75%; max. allowable coverage – 25%; and max. building height – 35 feet.

3. Zoning Law Article Article VI and the corresponding Agricultural District Bulk and Use Table (page A-1) shall be amended to reduce the minimum permitted lot size in the Agricultural District from the current ten (10) acres to two (2) acres for the following uses only:

Permitted Uses: Agricultural Operations, Farming Operations, One-Family Dwelling, Public Utilities Farm Stands, Accessory Uses, Accessory Structures and Uses

Uses Requiring a Special Use Permit: Automobile and General Repair, Commercial Garage, Fire Station, Child Care Facility including preschool, Restaurant, Two-Family Dwelling, Veterinary Services, Bed and Breakfast, Places of Worship, Greenhouse, Conversion of one-family to two-family dwelling, Home Occupation, Commercial Dog Kennel, Emergency Dwelling

4. Zoning Law Article VII and the corresponding R-2 Residential District Bulk and Use Table (page A-3) shall be amended to allow by special use permit certain accessory structures (*i.e.*, garages) on lots at least five (5) acres in size without a primary residence, subject to the provisions of Article VIII (Special Use Permits).
5. Zoning Law Article VII and the corresponding R-2 Residential District Bulk and Use Table (page A-3) shall be amended to increase the minimum lot size for Agricultural Based Business uses from 76,000 square feet to five (5) acres.

6. Zoning Law Article VII Section 7-16(A)(2)(b) and the corresponding Bulk and Use Tables (pages A-1 through A-7) shall be amended to set a minimum side and rear setback distance of ten (10) feet for accessory structures and buildings measuring less than 144 square feet in area in all zoning districts. Section 7-16(A)(2)(b) (“Accessory Structures and Uses”) shall be amended as follows:

b. Accessory structures and buildings less than 144 square feet in area (including but not limited to tool and storage sheds and gazebos) must have a ten (10) foot minimum side and rear yard setback distance, and will not require a building or zoning permit unless the total aggregate limit of unattached accessory structures and buildings on the lot will exceed 144 square feet. All accessory structures and buildings exceeding 144 square feet in area must comply with minimum setback requirements for the applicable zoning district as set forth under “Accessory Structures and Buildings” in the Bulk and Use Tables.

7. Zoning Law Article XII Section 12-4(c) shall be amended to exempt “posted property” signage from the minimum 10-foot side property setback distance requirement applicable to all other signage.

8. The definition of “Major Subdivision” in Zoning Law Article XVI Section 14-2 shall be amended to include a maximum limit of one (1) such subdivision allowed for a given lot over a ten-year period, as follows:

MAJOR SUBDIVISION – Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots or any sized subdivision requiring a new street or extension of municipal facilities. Only one (1) major subdivision will be allowed for a given lot (as established by Tax ID number) within a ten (10) year span, as measured backwards from the date of the most recent application.

9. The definition of “Minor Subdivision” in Zoning Law Article XVI Section 14-2 shall be amended to allow a maximum aggregate total of four (4) subdivided parcels for a given lot over a ten-year period, as follows:

MINOR SUBDIVISION – Any subdivision which contains not more than four (4) lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan and Official Zoning Map of the Town of Fleming, or these regulations. A maximum aggregate total of four (4) subdivided parcels will be allowed on a given lot (as established by Tax ID number) using the minor subdivision approach within a ten

(10) year span, as measured backwards from the date of the most recent application.

10. Zoning Law Article VIII's provisions will be reorganized and renumbered for convenience, and any typographical errors found elsewhere within the Zoning Law will be corrected.