

## ARTICLE VII - PRINCIPAL, ACCESSORY, AND TEMPORARY USES

### 270-37: PRINCIPAL USES

- A. All principal uses must comply with the standards of this section.
- B. Multiple Principal Uses. A site may contain more than one principal use, so long as each principal use is allowed in the Zoning District.
- C. All uses must meet any applicable federal, state, and local requirements, including, but not limited to, licensing, health, safety, and building and fire code requirements.

#### 270-37.1 Agricultural Uses.

- A. **Agricultural Education and Recreation Facility.** Recreation, education, and entertainment operated in conjunction with and as part of an overall direct farm marketing strategy for an active Farm Operation or Farm Market that contributes to the production, preparation, and marketing of crops; livestock and livestock products; and other such agricultural events and educational demonstrations, and the onsite preparation, processing and sale of foods prepared from local farm products for consumption on site and off site. An agricultural education and recreation facility may include a community kitchen, and / or ancillary assembly or retail use.
- B. **Agriculture-Related Commerce.** A retail or wholesale enterprise not part of an active Farm Operation providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock and livestock processing, feed, seed, fertilizer, and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.
- C. **Farm Brewery.** An enterprise engaged in the production for sale of beer, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
- D. **Farm Cidery.** An enterprise engaged in the production for sale of cider, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
- E. **Farm Creamery.** An establishment that is part of a Farm Operation where dairy products such as milk, butter, cheese, ice cream, and yogurt are made, processed, or prepared.
- F. **Farm Distillery.** An enterprise engaged in the production for sale of liquor is manufactured primarily from farm and food products, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.

- G. **Farm Winery.** An enterprise engaged in the production for sale of wine, brandies distilled as the by-product of wine or other fruits, or fruit juice, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
- H. **Farm Market.** Generally permanent year-round retail operations that sell agricultural products, baked goods, and other foodstuffs. Handicrafts and other agriculture-related products could also be sold.
- I. **Farm Operation.** The use of land, buildings, structures (including on-farm housing) and equipment, and the practices which support the production, preparation, processing, marketing and transportation of grains, vegetables, fruit, and other crops, horticultural and floricultural products, animal husbandry (including the raising, breeding, boarding and sale of horses, llamas and alpacas) and including commercial horse boarding operation, livestock and livestock products, aquaculture, apiary products, forest farming, and farm energy production from sun, wind, manure or biomass crops.
- J. **Retail Garden Center.** The growing, producing, storage and sale of nursery and greenhouse stock, garden and house plants, trees and shrubs, not part of a Farm Operation. The accessory storage and sale of seeds, bulbs, packaged insecticides, fertilizer and other soil nutrients, mulches, topsoil, stone, and similar materials used in the care and maintenance of lawns, gardens and plants, in bulk or in bags shall be permitted. The accessory sale and display of lawn chairs, tables, benches and other similar outdoor furniture and other lawn and garden-related products such as garden ornaments, pots and pottery products shall be permitted.

**270-37.2 Civic Uses.**

- A. **Assembly.** A facility that has organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse in a public or private setting. Examples include community centers, meeting or lecture halls, exhibition rooms, or auditoria. If an assembly use is ancillary to another principal use and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.
- B. **Cemetery.** A tract of land for the disposal or burial of deceased human beings or remains in a grave, mausoleum, vault, columbarium, or other receptacle. The provisions of this chapter shall apply to all cemeteries and burial grounds including those owned by a religious corporation, Municipal Corporation, or a cemetery corporation owning a cemetery operated, supervised, or controlled by or in connection with a religious corporation.
- C. **Lodge or Private Club.** A facility for the use of a membership organization or association with elected officers and directors, pursuant to a charter or bylaws, that excludes the general public from its premises and holds property for the common benefit of its members.

- D. **Open Space.** A noncommercial site reserved for active or passive recreation or natural resources conservation including parks, dedicated Open Space, landscaped areas (plantings, lawns, parking lot islands), and including sidewalks or trails used to access these areas, including Accessory Structures accessible to the public and intended to enhance the Open Space.
- E. **Place of Worship.** A building or space for worship and used by an organization that is recognized or registered as a religious institution by the State of New York or by law. In the event of any ambiguity or doubt, the rights and privileges afforded religious institutions and persons as codified in federal law, and related regulations and state laws, by The Religious Land Use and Institutionalized Persons Act (and, if applicable, the Religious Freedom Restoration Act of 1993) shall be applied to any such proposed land use.
- F. **Primary/Secondary School.** A public, private, or parochial institution offering instruction at the elementary through high school levels with a full range of curricular and extracurricular programs and accessory uses normally provided in support of the larger educational mission of the institution.
- G. **Public Safety Facility.** A facility operated by a public safety agency, including fire stations and firefighting facilities, police and sheriff substations and headquarters, and emergency medical services substations.

#### 270-37.3 Employment Uses.

- A. **Business Offices.** A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. A business office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services.
- B. **Rural Enterprise.** A manufacturing, construction, or service enterprise. Types of businesses that are envisioned under the above definition include small contractors, woodworking, metalworking and other craft manufacturing, small auto repair and body shops, small craft bakeries and food processors, small sawmills. Does not include retail operations.
  - 1. Subject to Chapter 158: Outdoor Storage limitation.

#### 270-37.4 Infrastructure Uses.

- A. **Alternative Energy System.** Solar Energy Systems, Wind Energy Conversion systems, and Battery Energy Storage Systems.
- B. **Communication Towers,** subject to Chapter 119.
- C. **District Energy System.** A community-based energy system shared by property owners for common use, or managed by a homeowners' association, institution, or similar organization.
  - 1. All right-of-way construction and repair must be in accordance with standards and specifications set forth by the Highway Superintendent.

2. Any right-of-way work requires a Permit per Chapter 230: Streets and Sidewalks.
- D. **Large-scale battery energy storage system.** Battery energy storage systems with an aggregate energy nameplate capacity greater than or equal to 280 kWh.
1. Subject to § 270-35T.
  2. Subject to abandonment and decommissioning requirements of § 270-35U.
- E. **Solar energy facility.** Ground-mounted or freestanding (racking or ballasts) solar collection devices, solar energy system related equipment, and other associated infrastructure whose components cover a land area greater than 10,000 square feet. The primary intention of a solar energy facility is the generation of electricity or other conversion of solar energy to a different form of energy for commercial or off-site sale to a public utility, off-site users, or for placement on or delivery to the local or regional electrical grid.
1. Subject to § 270-35R.
  2. Subject to abandonment and decommissioning requirements of § 270-35U.
- F. **Utilities and Services, Major.** Large-scale facilities that primarily serve a regional need, which because of their scale or method of operation are more likely to produce external impacts that are detectable beyond the property lines of the subject property. Such facilities include, but are not limited to, wastewater treatment plants, electric or gas generation plants, electrical transforming substations, water pumping stations, and water towers and tanks.
1. All structures are subject to the same bulk, area, and form requirements as apply to Dwellings in the Zoning District where emplaced.
  2. A Type A Buffer Yard, designed per Section 270-14, is required along interior, side, and rear lot lines that abut any lot in an AG, L1, R1, R2, R3, or RA Zoning District.
- G. **Utilities and Services, Minor.** Facilities and services that primarily serve local distribution needs, including, but not limited to, water and sewer pump stations, water conveyance stations, gas regulating stations, telephone exchange / switching centers, and emergency communication warning / broadcast facilities.
- H. **Wind energy conversion system.** A wind energy conversion system that sells its generated power, whether by wires, grid-connections, metering, or a battery energy storage system, to a third party, and such term includes the support tower, foundations and support cables, the nacelle and electric generator, gearing, and braking, the rotor, blades, tail and other associated components, the associated electric and electronic connections, panels, boxes, controls, inverters, switches, transformers, gates, vehicular paths, fencing, the fall zone around each tower, etc., whose power output is intended to be used on-site to offset on-site consumption of utility power and off-site, including through grid connections and the transmission or sale of energy to third parties.
1. Subject to § 270-35S.
  2. Subject to abandonment and decommissioning requirements of § 270-35U.

### 270-37.5 Lodging Uses.

- A. **Bed & Breakfast.** A dwelling that provides temporary lodging for compensation in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities and meeting rooms.
  - a. No more than ten (10) guest rooms are permitted.
  - b. Hourly rate lodging is not permitted.
  - c. Subject to annual fire & safety inspection.

### 270-37.6 Residential Uses.

- A. **Dwelling, Accessory.** A dwelling unit associated with, subordinate in size, and incidental to a principal dwelling on the same lot, located in either the principal dwelling or a separate structure, intended, designed to be used, or used, rented, leased, let, or hired to be occupied for living purposes.
  - 1. One accessory dwelling unit per lot.
- B. **Dwelling, One-Unit.** Any building or structure or portion thereof that contains one dwelling unit intended, designed to be used, or used, rented, leased, let, or hired to be occupied for living purposes.
- C. **Dwelling, Two-Unit.** A detached building containing no more than two (2) dwelling units intended, designed to be used, or used, rented, leased, let, or hired to be occupied for living purposes.
- D. **Residential Care Facility.** A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Residential care facilities include nursing homes, independent living, assisted living, continuum of care, and hospice facilities.

### 270-37.7 Retail & Service

- A. **Amusement Facility, Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls.
  - 1. Building Area may not exceed 100,000 square feet gross floor area.
- B. **Amusement Facility, Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as fairgrounds, batting cages, campgrounds, drive-in movie theaters, petting zoos, golf courses, miniature golf courses, and amusement parks. Does not include recreational vehicle parks.
  - 1. A campground may have two but no more than fifteen camping unit sites and may be accessible by vehicular traffic where sites are substantially developed. Tables, refuse containers, flush toilets, bathing facilities, and water are provided.

- C. **Animal Care Facility.** A business providing for the care, day or overnight boarding, grooming and/or training of dogs, cats and other customary household pets, including veterinary offices for the immunization, diagnosis, or treatment of customary household pets.
1. The facility and all associated runs or fenced areas must be setback a minimum of one hundred fifty (150) feet from all Lot lines.
  2. All associated runs or fenced areas shall be adequately screened by fence, plantings, or landscaping from streets and adjacent properties.
  3. All animal wastes shall be disposed of properly to avoid odor, diseases, and contamination of drinking water supplies.
  4. Any exterior boarding quarters and exercise areas located outside must be designed to provide shelter against weather.
- D. **Contractor's/Landscaping Yard.** Any space, whether inside or outside a building, used for the storage or keeping of construction supplies, building materials, landscaping supplies (rock, stone, bricks, fencing, mulch, etc.), construction equipment, machinery of vehicles or parts thereof which are in operable condition and active in use by a construction contractor.
1. Subject to Chapter 158: Outdoor Storage limitation.
- E. **Medical Clinic.** A facility for physicians, dentists, chiropractors, physical therapists, alternative medical practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis.
- F. **Restaurant.** A business where food and beverages are prepared for and served to patrons for consumption either on-premises or off-premises.
1. The sale of alcohol for on-premises consumption requires separate approval as a Tavern. The sale of alcohol for off-premises consumption requires separate approval for an Alcohol Sales Establishment.
  2. A Restaurant may include ancillary live entertainment without a separate approval, so long as all of the following conditions are met: no permanent space is dedicated for live entertainment; no admission is charged for live entertainment; and when live entertainment is offered, it is clearly incidental and subordinate to the restaurant use.
- G. **Retail and Service, General.** A commercial use characterized by the sale of goods and services directly to the consumer, including but not limited to printing, copying/ mail service, department, clothing, drug, food, hardware and similar stores and establishments and barber/beauty, dry-cleaning and similar personal service establishments, not including restaurants, taverns, vehicle service facilities, or vehicle sales.
- H. **Retail and Service, Heavy.** A retail and service business with permanent outdoor display, service, and storage areas, such as vendors of lumber and building supplies, landscaping supplies and equipment, industrial equipment, and outdoor structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment. This does not include a Retail Garden Center, which

is addressed by Section 270-37.1(J). This does not include sales or service of watercraft or commercial or recreational vehicles.

1. A Type C buffer yard, designed per Article VII Section TBD, is required along interior side and rear lot lines that abut any lot in an L1, R1, R2, or R3 Zoning District.
  2. Any materials stored that exceed the height of the screening must be located a minimum of 25 feet from any lot line.
- I. **Tavern.** A business that serves alcoholic beverages for on-premises consumption, and may or may not serve food.
1. A Tavern may include ancillary live entertainment without a separate approval, so long as all of the following conditions are met: no permanent space is dedicated for live entertainment; no admission is charged for live entertainment; and when live entertainment is offered, it is clearly incidental and subordinate to the restaurant use.
- J. **Veterinary Clinic.** The premises or buildings used for the diagnosis, treatment or other care of the ailments of customary household pets or livestock animals, which may include related facilities, such as laboratories, offices and temporary quarters for such animals.

## **270-38: ACCESSORY USES**

- A. All accessory uses must comply with the standards of this section.
- B. Accessory uses and structures are permitted as of right in conjunction with allowed principal uses.
- C. Accessory uses and structures must be:
  1. Customarily found in association with the principal use.
  2. Clearly incidental and subordinate to the principal use in terms of area and function.
  3. Located on the same site as the principal use.
- D. Accessory structures:
  1. Must comply with the maximum building coverage and impervious coverage requirements of the zone.
  2. Structures under 144 s.f. may encroach upon required side and rear yards, so long as they are not expressly restricted in the standards in Section 270-38.1.
  3. Structures under 144 s.f. may not encroach upon required front yards or forwards of the front building wall of a principal building, unless expressly allowed in the standards in Section 270-38.1.
  4. Must be located at least 5 feet from lot lines, except where there is no required yard or where lot lines share a right-of-way line with an alley. The standards in Section 270-38.1 may require larger minimum setbacks for some accessory uses and structures.

### **270-38.1: ACCESSORY STRUCTURES AND USES**

- A. **Home Business.** Any business or personal service carried on by a resident of a dwelling unit, where the occupation is secondary to the use of the dwelling unit for residential purposes.
1. A Home Business must be located within a fully enclosed building owned or occupied by a resident of the site. A home business may not be established prior to residential occupancy of the site by the operator of the home business.
  2. The home occupation may not exceed 35% of the gross floor area of the principal dwelling unit.
  3. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a Home Business, except for one sign of up to two square feet in sign area, mounted flush with and on the front facade of the building.
  4. No display of products may be visible from the adjacent public right-of-way. Direct sales and rentals of products off display shelves or racks are not allowed, although a person may pick up an order previously made by telephone, by internet, or at a sales meeting.
  5. No outdoor storage or warehousing of material, supplies, or equipment is allowed on the site.
  6. Vehicle repairs or veterinary hospitals or kennels are not allowed as part of a home occupation.
- B. **Home Occupation.** Any occupation, trade, profession, or craft carried on by a resident of a dwelling unit, where the occupation is secondary to the use of the dwelling unit for residential purposes.
1. Only involves persons working on the premises or routinely operating from the premises who are permanent residents of the dwelling.
  2. Does not involve more persons regularly visiting the premises for business purposes.
  3. Is limited to only the following types of activities:
    - i. Office-type and telework (such as writing, editing, drafting, tax preparation, computer programming and computer data entry);
    - ii. Clerical work (such as typing, stenography, addressing and sending mail), custom sewing and fabric crafts;
    - iii. Creation of visual arts (such as painting, sculpture, or wood carving).
  4. The home occupation must be located within a fully enclosed building owned or occupied by a resident of the site. A home occupation may not be established prior to residential occupancy of the site by the operator of the home occupation.
  5. The home occupation may not exceed 25% of the gross floor area of the principal dwelling unit.
  6. No business storage or warehousing of material, supplies, or equipment is allowed outdoors on the site.



7. No processes or equipment may be used that creates heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property. No related sound above ambient noise level is permitted that is detectable off the property.
- C. Farm Operation – Accessory Commerce**  
 A retail or wholesale enterprise operated as an accessory use to an active Farm Operation on the same premises selling products principally utilized in agricultural production, limited to 1,000 square feet of Outdoor Display or storage of products. Examples of such products include agricultural equipment and agricultural equipment parts; batteries and tires; products allowed to be sold by the New York State Department of Agriculture and Markets such as farm machinery; Providing agricultural equipment repairs; processing and packaging of food where the predominant ingredient is not grown on-farm.
- D. Non-tower-based wind energy conversion system.** A wind energy conversion system that is not based upon or located upon a tower, such as rooftop horizontal turbines, vertical flute or "candy cane" poles under 30 feet tall, or wind trees.
- E. Outdoor Display.** The outdoor display of products actively available for sale. Outdoor display does not include vehicle sales, which is considered a principal use.
- F. Roadside Stand.** A stall or booth used for commercial purposes, where farm or other products are offered for sale on a seasonal basis.
1. Building Permit required over 144 g.s.f. per § 108-4B(1)
  2. Not exceeding 300 square feet of enclosed space; majority of products must promote the sale of local farm products. (§ 270-28H)
- G. Small-scale battery energy storage system.** Battery energy storage systems with an aggregate energy nameplate capacity less than 280 kWh.
- H. Small-scale solar energy system.** A building-mounted solar energy system whose photovoltaic components occupy an area greater than 150 square feet on any code-compliant structure, or a ground-mounted solar energy system whose components cover a land area less than 10,000 square feet and whose energy output is primarily for on-site consumption. Small-scale solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility or placed on or delivered to the local or regional electrical grid.

**270-39: TEMPORARY USES**

Intent: Uses that are established for a fixed period because they are generally not appropriate on a long-term or continuous basis.

- A. All temporary uses and buildings must comply with the standards of this section.
- B. No temporary use may be established on a public right-of-way or public park without the authorization of the Town Board.

- C. Temporary uses that require a temporary use permit are subject to the following general requirements, as applicable:
  - 1. If the operator of the temporary use is not the owner of the site where the temporary use will be located, written permission from the property owner is required.
  - 2. The operator of the temporary use must ensure adequate traffic control, emergency vehicle ingress and egress, provision for trash/recycling and sanitary facilities, and measures for security and crowd control, as necessary.
  - 3. All temporary buildings must be cleared from the site within 72 hours after the use is terminated, unless an exception is granted by the Code Enforcement Officer.
  - 4. A Site Plan may be required, where applicable, to demonstrate compliance with this Land Use Code and all other requirements.
  - 5. 180 day limit per Building Code for other than Farm Operation.
- D. No temporary use may result in adverse effects upon the public health, safety, and welfare, as determined by the Code Enforcement Officer.

#### 270-39.1: TEMPORARY USES, PERMIT REQUIRED

The following temporary uses are allowed subject to approval of a temporary use permit issued in accordance with Section **TBD**: Administration and Approvals.

- A. Storage Container:** A standardized, re-sealable article of transportation equipment, including one on a chassis, that is designed for repeated use to facilitate unitized freight handling by one or more means of transportation. Includes but is not limited to intermodal shipping containers.
  - 1. The placement or use of storage containers, for permanent use as an accessory storage building shall be prohibited in all Zoning Districts. Storage containers are allowed by right only for the storage of hay, other agricultural commodities, or farm equipment in an amount and scope directly related to the production function of a Farm Operation.
  - 2. The placement or use of storage containers, as temporary storage, shall be permitted under the following circumstances:
    - a. A structure is undergoing construction, repair, alteration, or reconstruction, for which a building permit has been issued. Permitted in conjunction with Temporary Dwelling. The storage container shall be removed from the premises upon issuance of a Certificate of Occupancy or a Certificate of Compliance, or such time as the Code Enforcement Officer deems the project complete.
    - b. The storage container is being used to store household belongings in connection with a disaster, i.e., fire, flood, etc. The storage container shall be removed from the premises upon issuance of a Certificate of Compliance, demolition of the structure, or such time as the Code Enforcement Officer deems the project complete.
  - 3. At the discretion of the Code Enforcement Officer, for extenuating circumstances, and/or limited time periods.

4. Storage containers shall not occupy required off-street parking spaces, loading spaces, or landscape areas.
5. Storage containers shall not be placed in an area of special flood hazard.
6. Storage containers shall not be stacked above the height of a single container.
7. Storage containers shall not be used for the placement of signage or advertising.
8. Temporary permit approval criteria:
  - a. A narrative statement detailing the anticipated dates for emplacement and removal of the storage containers.
  - b. A detailed list of all material and amounts of materials to be stored in the containers and the material data sheets applicable to any materials to be stored.
  - c. A site plan, drawn to scale, of the entire parcel showing all existing structures and the location of the proposed temporary uses giving the distances to all property lines and existing structures. Storage containers shall meet the setback requirements for accessory structures, for the zoning district in which they are being placed.
  - d. A maximum of four (4) storage containers shall be permitted under a temporary use permit.
  - e. Storage containers may be placed for not more than four (4) months in any twelve (12) month period.
  - f. A portable fire extinguisher is required to be mounted in each storage container on site. The minimum size extinguisher shall be a two and one-half (2 1/2) pound, handheld extinguisher, compatible with the materials or products being stored.
  - g. Storage containers shall not be placed so as to pose a fire hazard to a permanent structure, restrict exit discharge or access to the public way, or restrict fire department access to the perimeter of the structure where storage containers are located.

**B. Contractor Trailer.** A mobile home, travel trailer, truck trailer, or other structure used as an on-site management or marketing office in conjunction with a construction project.

1. Contractor trailers are allowed only in connection with active construction activities and must be removed once the building permit expires or terminates.
2. Sleeping or cooking facilities within the trailer are prohibited.
3. No trailer may be used as the main office or headquarters of any firm.

**C. Temporary Occupancy of Permanent Building.** The temporary need to establish and occupy a temporary dwelling unit or premises, including special

consideration where a natural disaster or Emergency (defined in Chapter 112) situation has the existing dwelling house unsuitable for habitation.

1. Also includes a dwelling unit within a development project as a sales or rental office or as a representative unit for units located on-site.

270-39.2: TEMPORARY USES, TEMPORARY USE PERMIT NOT REQUIRED

- A. **Agricultural Events.** On-farm events, including, but not limited to, farm tours, hayrides, corn mazes, seasonal petting farms, educational demonstrations, harvest festivals, and classes related to agricultural products or skills offered in conjunction with the above. Events must be directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm; incidental and subordinate to the retail or wholesale sale of the farm's crops, livestock and livestock products; hosted by the farm operation; and prominently feature the farm's crops, livestock and livestock products at all locations in which the event is conducted on the farm.
  - a. Agricultural Events are subject to Chapter 174: Public Assembly.
- B. **Garage Sale.** A temporary estate, garage, or yard event for the sale of miscellaneous household goods or personal articles.
  - a. Limited to a maximum duration of three consecutive days, three times per calendar year.
- E. **Temporary Signs,** per Chapter 210.