

TOWN OF SOUTHPORT

CITIZEN'S GUIDE TO ZONING

TOWN OF SOUTHPORT,
NEW YORK

APRIL 2016



TOWN OF SOUTHPORT, NEW YORK
CITIZEN’S GUIDE TO ZONING
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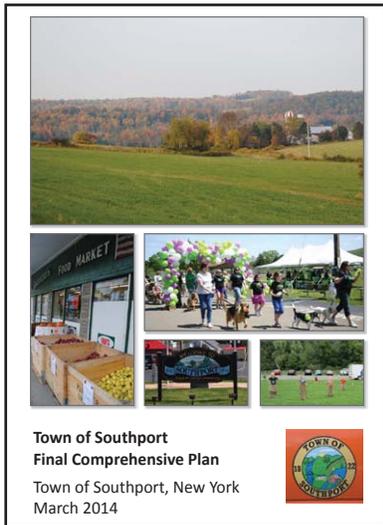
I. PURPOSE AND INTENT

Zoning is a key factor in the development of land within a municipality. A zoning code lays out the framework by which developers and citizens make improvements to properties. As stated within the comprehensive plan, the Town of Southport supports an increase in economic activity in its town centers, while maintaining the quiet, family oriented character of its residential neighborhoods and promoting the preservation of agriculture and the conservation of valuable economic features of its rural areas. In order to develop a site, a permit needs to be obtained from the Town. A permit insures that development is undertaken lawfully as laid out by the Town and State of New York; more information about permits can be found on page 11-15.

The creation of this guide was made possible through a grant received by the Town of Southport to update their Zoning Ordinance through NYSEERDA's (New York State Energy Research and Development Authority) Cleaner Greener Communities (CGC) Phase 2 program. The aim of the CGC program is to implement projects that reflect the goals outlined in the Southern Tier's Regional Sustainability Plan, specifically the reduction greenhouse gas emissions and to prepare for the impacts of climate change. The update of the zoning ordinance was one of the goals of the Town's Comprehensive Plan, a summary of which is detailed on page 4.

This guide contains ***only*** introductory information and ***does not*** contain all of the necessary materials to determine whether or not a project is subject to permit review or approval. It is ***not*** intended to be a complete statement of laws and codes that apply to a land use proposal. For complete and specific information call the Town of Southport Code Enforcement Officer, stop by the Town office located at 1139 Pennsylvania Avenue in Elmira New York or go to the Town's website at www.townofsouthport.com.

II. TOWN COMPREHENSIVE PLAN



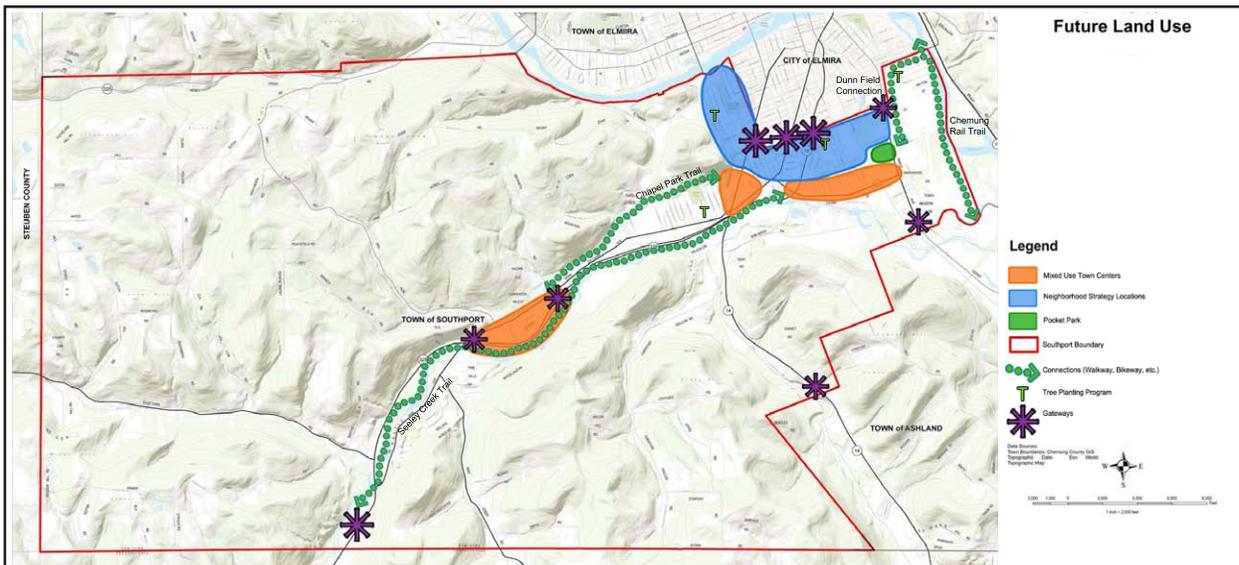
The Town of Southport began work on a new comprehensive plan in 2012. After a year of committee meetings and public outreach, the Town Board adopted the plan in March 2014. Through an extensive public process, the Town identified four major goals that will guide development in Southport for the next 10-15 years. The determined goals are:

- Generate opportunities for economic development
- Accommodate the changing population
- Enhance community character
- Protect historic and natural resources

The comprehensive plan also developed a vision statement for which the entirety of the plan is based. The vision statement is as follows:

In 2025, the Town of Southport is a diverse community with attractive neighborhoods, successful businesses, productive agricultural areas, and protected rural lands. Residents regard the feeling of community, abundant historic and recreational resources, traditional character and good governance as important reasons to settle here. The Town continues to build partnerships to grow its economy, provide desirable housing choices, and retain and attract new residents and businesses. In doing so, Southport is a leader in the Southern Tier, working with neighboring municipalities on transportation and land use while making thoughtful decisions about its own growth and conservation.

The update of the Town’s zoning code was stated within the comprehensive plan as a high priority action. This update called for the re-zoning of specific areas in the Town to further the goals detailed in the plan, particularly in regards to the implementation of form based codes in the Town Centers; more information on the zoning ordinance can be found on page 5.



III. ZONING ORDINANCE

The update of the Town zoning ordinance was essential in moving forward with the vision laid out in the comprehensive plan. A goal of the plan required the Town changing their approach to land-use planning, not only to make development easier but also to aid in the permit process. The zoning ordinance, which had not been revised in many years, consisted of out of date information and references that did not correspond to other sections of the code. This made reviewing and issuing permits difficult for the Planning Board and the Zoning Board of Appeals.

The purpose of the following sections of the Citizen's Guide provide the user with a road map to help navigate this document. The zoning ordinance is divided into fifteen (15) sections known as Articles, as seen on page 6. In addition to these Articles, an explanation of the revised zoning districts are on pages 7-8 and the zoning maps, with an enlargement of the Town Center, on pages 9-10. Key steps in the permit application process are outlined on pages 11-12. In addition, land-use tables are provided, as seen on pages 13-15, to give the user a reference for what permits correspond to what uses.

IV. LIST OF ARTICLES

ARTICLE	ARTICLE NAME	ARTICLE DESCRIPTION
Article I	Title, Purpose and Authority	This article states the purpose of the zoning code as it pertains to development.
Article II	Interpretation; Definitions and Word Usage	This articles outlines the definitions for the various aspects within the zoning code.
Article III	Establishment of Districts	This article organizes development into eight (8) types; agricultural (including low density residential), low, medium and high density residential, commercial regional and neighborhood (including mix-use developments), industrial and conservation areas.
Article IV	Use Districts	The article that explains the types of uses that are allowed in specific districts
Article V	Bulk and Density Control Requirements	This article explains building massing, density and architectural features across zoning districts.
Article VI	Residential Cluster Development (RCD)	This article explains the town’s need for compact residential development that serves residents while conserving farm land and open space.
Article VII	Planned Development District (PDD) Provisions	This article explains the areas designated for mixed use development as a planned development.
Article VIII	Site Plan Review and Approval	This article provides information on the process and requirements for making an application to the Planning Board
Article IX	Development Requirements	This article outlines specific requirements for various and select uses in the Town.
Article X	Nonconforming Structure, Use and Lots	This article addresses the current uses and structures that are not in conformance with the Zoning Ordinance and their potential continuance, expansion, relocation, modification, destruction, and discontinuance.
Article XI	Zoning Board of Appeals	This article is required by New York State law. The board’s purpose is to review modifications and variances to the zoning code.
Article XII	Administrative Provisions	This article describes the process by which to obtain a permit.
Article XIII	Enforcement	This article addresses penalties for offenses against any of the zoning code ordinances.
Article XIV	Amendments	This article is required by New York State law; a typical reader will not use this article.
Article XV	Special Use Permits	Certain uses require special use permits. This article provides information on the process and requirements for obtaining this time of permit from the town Planning Board.

V. ZONING PROCESS

Zoning Districts

The process for determining how the Town’s regulations apply to development by knowing what zoning district the project is located. Prior to committing to the start of a project, you should refer to the **official zoning map** found at the Town Hall and have a person from the Town staff verify the zoning district in which the proposed project is located; the graphic on page 9 is the overall zoning map, while the graphic on page 10 is the enlargement of the Town Center.

The purpose of establishing zoning districts is to assist in redevelopment and direct growth into areas that advance the vision of the Comprehensive Plan. The Town is categorized primarily by commercial uses surrounded by residential neighborhoods. The major commercial districts are location along Broadway, and Pennsylvania Avenue. Industrial areas are found around State Route 14 in the west and the railroad tracks in the east, as well as the area surrounding South Creek in the south. The remainder of the Town is rural in character, consisting of agricultural districts with low density single family residential dwellings.



AR-Agricultural

This district is intended predominately for agriculture and low density single-family residential dwellings. The purpose of this district is to maintain a rural, low-density character and conserve agricultural land.



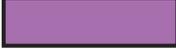
R1- Residential, Low Density

This residential district accommodates low-density dwellings. These areas are comprised of single-family detached homes surrounded by expansive tracts of open space in the form of yards, agricultural land, and or forests and fields.



R2- Residential, Moderate Density

This residential district accommodates moderate-density dwellings. These areas are comprised of single-family detached homes surrounded by yards or forested lands, and multi-family homes such as two family detached homes and small scale apartment buildings.



R3- Residential, High Density

This residential district accommodates a mixture of moderate and high density dwellings. These areas are comprised of multi-family homes and apartment buildings. Dwellings in this area also consist of buildings with apartments above small scale commercial businesses.



CN- Commercial, Neighborhood

Commercial neighborhood district is intended for residential and commercial development, with a range of building types to accommodate a variety of uses including retail, offices, single family and multi-family dwellings, including

row houses and apartments above businesses. The commercial buildings should complement the character of residential buildings and existing houses can accommodate commercial uses. Buildings in this district are placed close to sidewalks and have consistent street tree plantings.



CR- Commercial, Regional

Commercial regional district consists of moderate density buildings that accommodate the greatest variety of uses of regional importance. Buildings accommodate primarily commercial uses including retail, offices and semi-industrial uses in designated areas. Mixed-use buildings may include residential dwellings. Setbacks vary throughout this district and streets feature sidewalks, trees and landscaping.



I-Industrial

This district is intended for predominately industrial uses. These areas should be used for light industrial uses due to their proximity to residential neighborhoods.

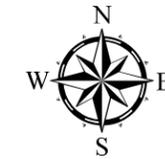


C-Conservation

This district is intended for open, publicly owned and or environmentally sensitive areas. Its purpose is to protect the integrity and benefit of these areas, maintain open space, and allow for the free flow of streams during flood events. Typically, only the least-intensive and carefully considered types of development are compatible with the goals of this district.

The Conservation District supports low intensity recreational and agricultural uses that are compatible with the flood hazard and do not require the construction of new buildings. Buildings are prohibited, except for small structures on parcels larger than 10 acres that are a “necessary appurtenance” of the agricultural, recreational, or open space use (such as restrooms and storage sheds). Due to their size and function, open pavilions are permitted in this district.

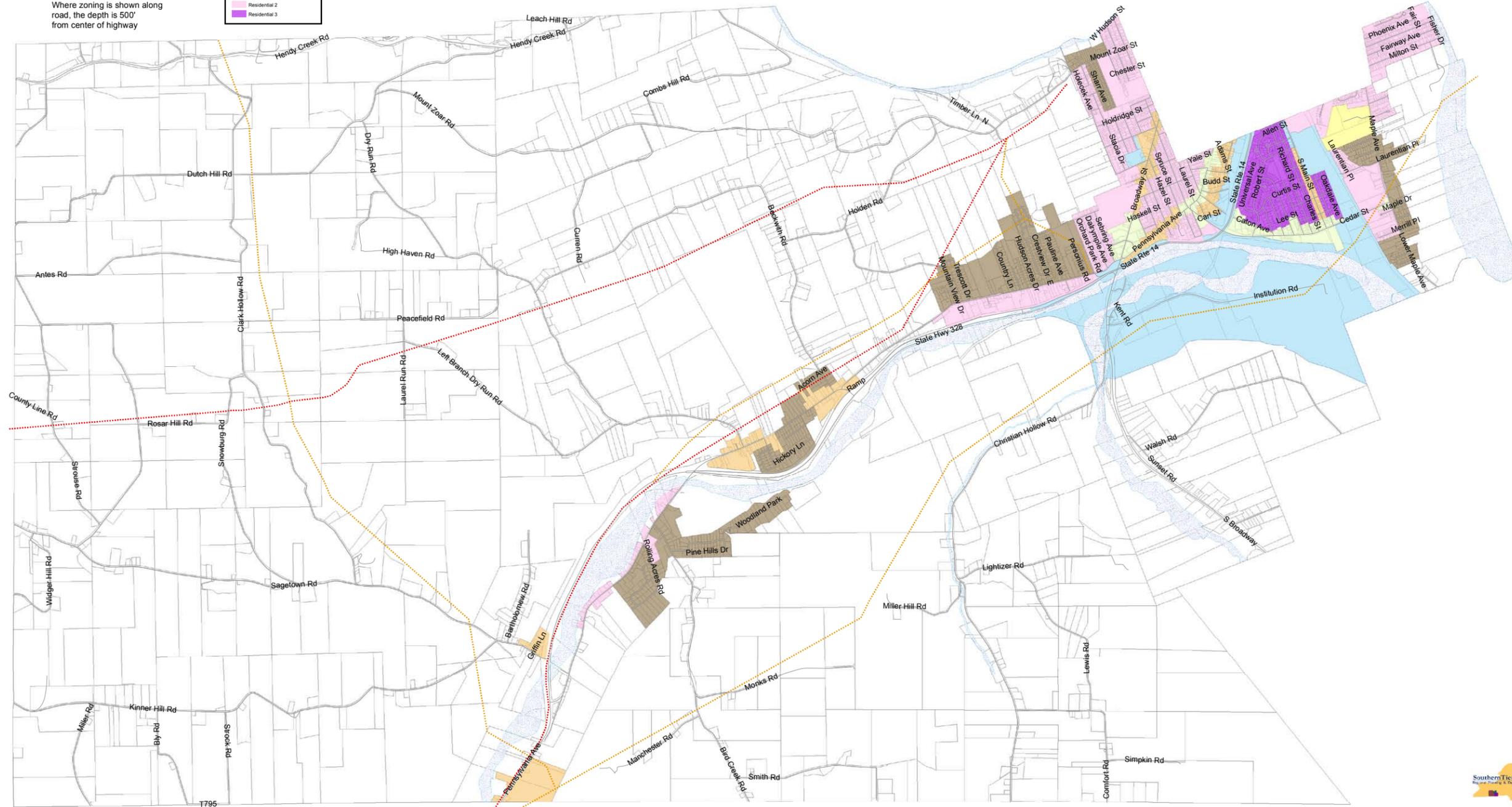
Zoning Map Town of Southport Chemung County, New York



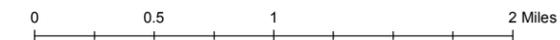
This is to CERTIFY that this map is an official zoning map of the town of SOUTHPORT
CERTIFIED: _____ day of _____ 20____

- Legend**
- Roads
 - Gas Lines
 - Power Lines
 - Zoning Designation**
 - Planned Development District
 - Conservation District
 - Agricultural / Residential
 - Commercial Neighborhood
 - Commercial Regional
 - Industrial
 - Residential 1
 - Residential 2
 - Residential 3

NOTE:
Where zoning is shown along road, the depth is 500' from center of highway



Revised 2-26-15
Map recreated 7-30-13
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VI. PERMITTING

An applicant must obtain a permit when developing or redeveloping buildings or sites. Within the Town, no structure can be built, enlarged, altered or moved without a permit issued by the Town's Code Enforcement Officer. The following outlines the permit application and approval process, as well as special cases in regards to prior issued permits and extensions.

Application of Zoning Permit

A zoning permit application will state the use and occupancy of the proposed development. The provided plan drawings should show the actual shape, dimensions, size and location of all proposed and existing structures. For existing structures to be rehabilitated or modified, plans will state the nature of proposed alterations, extensions, removals, and or structural changes. Site construction details such as proposed excavation or grading in connection with the building will be outlined to give the reviewing body an overall idea of the work taking place, as is a statement for the existing and intended use of the structure(s).

Prior Building Permits

Any building, extension or alteration of a structure for which a building permit has been granted, and the construction of which has been started before the effective date of the adopted Town zoning, will be completed within two years of the date of the issued permit. If any construction has not been completed within this time or if operations are discontinued for six months, persons involved will have to reapply for a building permit.

Amendments to Permits

An amendment to a building permit, or to the plans and specifications accompanying it, must be filed at a time prior to the start of work and are subject to the approval of the Town's Code Enforcement Officer. If the modification involves a change in the site plan, the applicant must gain approval from the Town Planning Board. No building permit will be issued when the site plan is subject to approval by the Planning Board.

Types of Required Permits

No development may commenced within the Town of Southport without a zoning permit issued by the Zoning Administrator. There are three (3) permit types in the Town:

- 1.) Basic Permit
All development projects in the Town are require this permit.
- 2.) Special Use Permit
Selected projects require a special use permit.
- 3.) Site Plan Review
Reviewing documents and drawings required by a zoning ordinance to insure the proposed development complies with the zoning of the area.

Use Table

Use tables outline the permits needed for a particular type of development. The table, seen on page 13, is listed by use and the district in which it is located as per the Town's zoning code. Permits are categorized under three different classifications. The first is 'As of Right', which is basic permit all persons must have for development to take place and is the most common issued permit. The second is 'Site Plan Review', which is undertaken to insure that the development of a site is consistent with the zoning district that it is a part of. With this type of permit, the person(s) involved in the proposed development submit materials showing and stating specific aspects of development for it to be reviewed by the Planning Board. Once the review of the materials is complete, the Planning Board will determine if a permit will be issued. The final is a 'Special Use Permit', which are issued for sites whose use is outside of the one designated by the zoning code. These uses are to be compatible with the surrounding area to insure the long term benefit to the town. In most cases, Special Use Permits go in conjunction with Site Plan Review. If a use is not listed for the district, and is 'Blank', then the use is not prohibited in that district.

Use Regulation Table
Town of Southport

ZONING DISTRICTS:		KEY (Use Designations):	
AR	Agricultural/Residential	P	Permitted as of right
R1	Residential- Low Density	S	Permitted under site plan approval by Planning Board
R2	Residential- Moderate Density	SUP	Permitted under special use permit by Planning Board
R3	Residential- High Density	BLANK	Not permitted in that district
CN	Commercial, Neighborhood		
CR	Commercial, Regional		
I	Industrial		
C	Conservation		

	DISTRICTS							
	AR	R1	R2	R3	CN	CR	I	C
RESIDENTIAL								
One Unit-Dwelling	P	P	P	P	P			
Two Unit Dwelling	P		P	P	P	S		
Multi-Unit Dwelling				S	SUP	S		
Alternate Dwelling Park	SUP							
Bed & Breakfast (up to 4 rooms)	P		S		S	S		
Inn (up to 12 rooms)	S				S			
Boarding House (up to 6 rooms)					S			
Live Work Unit	P				P	P		
ACCESSORY USE								
Accessory Dwelling Unit	S	SUP	S	S	S	S		
Day Care-Family Home	S	SUP	SUP	SUP	SUP			
Day Care-Group Family Home	SUP	SUP	SUP	SUP	SUP			
Home Occupation	S	S	S	S	S			
Cottage Industry	SUP			SUP	SUP	SUP		
Seasonal Business	P				P		S	
GENERAL USE								
Airport/Heliport	S						S	
Agriculture	P						P	P
Agriculture, Personal	P	P			P	P	P	P
Antenna	S						S	
Churches	S		SUP	SUP	SUP			
Club- Road and Gun	P							

	AR	R1	R2	R3	CN	CR	I	C
Club- Membership	S				S	S		
Day Care Center/Nursery School	S				SUP	S	S	
Extraction (Private)	P						P	P
Golf Course/Driving Range	S							S
Kennel	SUP				SUP			
Nursing Home/Convalescent Home	S			S	S	S		
Private School			S		S	S		
Public/Government Use	P	P	P	P	P	P	P	P
Public Utility	S		S	S	S	S	S	S
Roadside Stand	P		P	P	P	P		P
Stable-Commercial	S							
Stable-Private	P							
BUSINESS USES								
Adult Uses							SUP	
Amusement Game Center					S	S		
Antique or Craft Shop	S				S	S		
Bank/Financial Institutions					S	S		
Bar and Nightclub					SUP	SUP		
Barbershop and Beauty Shop	S				S	S		
Campground	S							S
Car Wash					S	S	S	
Convince Food Mart					SUP	S		
Cultural Uses/Museums					S	S		
Crematory					SUP	SUP		
Drive-Through Uses					SUP	SUP		
Fitness Center/Health Club					S	S	S	
Flea Market					SUP	SUP	S	
Funeral Home					S	S		
General Business Office					S	S		
Hotel/Motel					SUP	S		
Medical Clinic					S	S		
Mini-Storage	S				S	S	S	
Motor Vehicle Filling Station					SUP	S		
Press Publishing Use							S	
Nursery-Plants	S				S			
Personal Service					SUP	S		
Photographic Studio					S	S		
Professional Office					S	S	S	
Recreational Use-Commercial	S							S
Restaurant-Fast Food					SUP	SUP		

	AR	R1	R2	R3	CN	CR	I	C
Restaurant- Standard					SUP	SUP		
Retail- Speciality Low-Profile					S	S		
Retail Use- Other Than Listed					S	S		
Self-Service Laundry					SUP	S		
Specialized Repair	S				S	S	S	
Storage Facility	S					S	S	
Theatre- Single or Multi Complex						S		
Vehicle Repair					S	S	S	
Vehicle Sales					S	S	S	
Vehicle Sales and Repair (Heavy Equipment)	S				SUP	S	S	
Veterinary Office or Hospital	S				SUP	S		
INDUSTRIAL USES								
Agriculture- Industrial	SUP					SUP	S	
Contractor's Equipment Storage/Maintenance	SUP					SUP	S	
Extraction, Commercial	S						S	S
Fuel Bulk Storage Terminal							S	
Manufacture, Fabrication, Assembly and Other Materials Handling including Offices and Showrooms							S	
Research Facilities	S						S	
Salvage Yard							S	
Trucking Terminals							S	
Warehousing, Wholesale and Retail Distribution Centers, including Offices							S	
Windfarm	SUP						S	