

ARTICLE 91-400: DISTRICT REGULATIONS

Section 91-401. Site Plan Review

A site plan shall be prepared and reviewed by the Planning Board in accordance with Article 91-1400 of this Local Law prior to site development of any lot or lots or the issuance of any development permit. Excluded from this requirement is a development permit for a single family detached residential house or dwelling unit in any district where permitted and for a two-family house in a CA (Conservation/Agricultural) CAMP (Conservation/Agricultural and Mobil Home Park District), or MR (Multi-Family Residential) District.

Section 91-410. CR - Conservation/Residential District

Any use not expressly permitted is hereby expressly excluded in a Conservation/Residential (CR) District.

1. Uses permitted by right:

- Barns, stables and facilities for raising honey bees and birds (excluding fur farms and slaughterhouses and feed lots).
- Forestry, lumbering and reforestation (excluding mill structures, manufacturing of lumber and lumber/forestry products).
- Nurseries, orchards and greenhouses.
- Unlimited and limited agriculture (excluding cold storage or other warehousing) including roadside stands only for the sale of agricultural products grown on the property where sold.
- Single and two-family detached residential dwelling units (except mobile homes).
- Essential Services.

2. Permitted uses subject to securing a special use permit from the Town Board of the Town of Busti:

None.

3. Permitted uses subject to securing a special use permit from the Zoning Board of Appeals:

- Camps, game farms, fish hatcheries and fishing reserves.
- Home occupations of a restricted nature.
- Golf courses (not to include archery courses, rifle ranges, skeet facilities, hunting reserves and other uses with similar safety hazards).
- Planned residential unit development and cluster unit residential development in accordance with Sections 91-504 and 91-505 of this Local Law.
- Parks and administrative offices, but excluding the storage of road equipment, garages and road materials.

- Wildlife sanctuaries, woodland preserves and arboretums.

4. Permitted accessory uses:

Accessory structures or uses, including detached private garage, garden house, greenhouse, tool house and similar uses, for residents only.

Lot Limitations:

- Minimum lot area: Two acres.
- Minimum lot width: 250 feet.
- Maximum lot coverage: 20 percent.
- Minimum front yard dimension: 50 feet from highway.
- Minimum side yard dimensions: 40 feet each.
- Minimum rear yard dimensions: 50 feet.
- Maximum building height: 2 1/2 stories (i.e. 40 feet).
- Off-street parking:

Use	Off-Street Parking Required
One-family dwelling	Two spaces
Two-family dwelling	Four spaces
Golf course	Four spaces per hole
Other uses	One space for each 250 square feet of gross floor space

Where property is served by a public sewer system the following lot limitations, which shall not be reduced by provisions herein contained in Article 91-500 - CLUSTER AND PLANNED RESIDENTIAL UNIT DEVELOPMENTS - SUBDIVISIONS, shall apply:

- Minimum lot area: 1/2 acre
- Minimum lot width: 125 feet
- Maximum lot coverage: 25 percent
- Minimum front yard dimension: 50 feet from highway
- Minimum side yard dimensions: 15 feet each
- Minimum rear yard dimensions: 50 feet
- Maximum building height: 2 1/2 stories (i.e. 40 feet)
- Distance from lake: 50 feet
- Off-street parking:

Use	Off-Street Parking Required
One-family dwelling	Two spaces
Two-family dwelling	Four spaces
Golf course	Four spaces per hole
Other uses	One space for each 250 square feet of gross floor space

Section 91-420. CA - Conservation/Agricultural District

Any use not expressly permitted is hereby expressly excluded in a Conservation/Agricultural (CA) district.

1. Uses permitted by right:

- Animal hospitals, barns, stables and facilities for raising honey bees and birds (but excluding fur farms, animal slaughter houses and feed lots).
- Forestry, lumbering and reforestation (excluding mill structures, manufacturing of lumber and lumber/forestry products).
- Nurseries, orchards and greenhouses.
- Unlimited and limited agriculture including cold storage or warehousing or roadside stands for the sale of agricultural products grown on the property where sold or stored.
- Single and two-family detached residential dwelling units (except mobile homes).
- Essential services.

2. Permitted uses subject to securing special use permit from the Town Board of the Town of Busti:

None.

3. Permitted uses subject to securing: special use permits from the Zoning Board of Appeals:

- Camps, game farms, fish hatcheries and fishing reserves, dog kennels, radio and television transmission facilities and towers, and utility distribution facilities.
- Customary home occupations.
- Home enterprise occupations.
- Outdoor recreational uses including tennis courts, picnic groves, golf courses, and swimming facilities, but excluding archery courses, rifle ranges, skeet facilities, hunting reserves and other uses with similar safety hazards.
- Planned residential unit development and cluster unit residential development in accordance with Sections 91-504 and 91-505 of this Local Law.

- Public uses including schools, museums, parks, administrative offices, highway garages and storage of road equipment and materials.
- Semi-public uses including churches.
- Wildlife sanctuaries, woodland preserves and arboretums.

4. Permitted accessory uses:

Accessory structures or uses, including detached private garage, garden house, greenhouse, tool house and similar uses for residents only.

5. Lot Limitations:

- a. Minimum lot area: 2 acres.
- b. Minimum lot width: 250 feet.
- c. Maximum lot coverage: 20 percent.
- d. Minimum front yard dimension: 50 feet from highway.
- e. Minimum side yard dimension: 40 feet each.
- f. Minimum rear yard dimension: 50 feet.
- g. Maximum building height: 2 1/2 stories (i.e. 40 feet).
- h. Off-street parking:

Use	Off-Street Parking Required
One-family dwelling	Two spaces
Two-family dwelling	Four spaces
Golf course	Four spaces per hole
Tennis Court	Two spaces per court
Swimming Pool	One for each 250 square feet of gross floor space
Other uses	One space for each 250 square feet of gross floor space

Section 91-430. Camp (Conservation-Agriculture and Mobil Home Park District)

Any use not expressly permitted is hereby expressly excluded in a Conservation Agriculture and Mobile Home Park (CAMP) District.

1. Uses permitted by right:

- Animal hospitals, barns, stables and facilities for raising honey bees and birds (but excluding fur farms, animal slaughter houses and feed lot).
- Forestry, lumbering and reforestation (excluding mill structures, manufacturing of lumber and lumber/forestry products).
- Unlimited and limited agriculture including cold storage or other warehousing or roadside stands for the sale of agricultural products of this area.

- Single and two-family detached residential dwelling units (except mobile homes).
- Essential services.

2. Permitted uses subject to securing special use permit from the Town Board of the Town of Busti:

- Mobile Home Parks.
- Construction and Demolition Landfills constructed in accordance with The Code of the Town of Busti; Article 10 "Construction and Demolition Landfills" and only located in that portion of the CAMP District bounded as follows: on the east by Wellman Road; on the south by Pennsylvania; on the west by the Town of Harmony; on the north by Kortwright Road.

3. Permitted uses subject to securing special use permits from the Zoning Board of Appeals:

- Camps, game farms, fish hatcheries and fishing reserves, dog kennels; radio and television transmission facilities and towers and utility distribution facilities.
- Customary home occupation.
- Outdoor recreational uses including tennis courts, picnic groves, golf courses and swimming facilities, but excluding archery courses, rifle ranges, skeet facilities, hunting reserves and other uses with similar safety hazards.
- Planned residential unit development and cluster unit residential development in accordance with Sections 91-504 and 91-505 of this Local Law.
- Public uses including schools, museums, parks, administrative offices, highway garages and storage of road equipment and materials.
- Semi-public uses including churches.
- Wildlife sanctuaries, woodland preserves and arboretums.

4. Permitted accessory uses:

Accessory structures or uses, including detached private garage, garden house, greenhouse, tool house and similar uses for residents only.

5. Lot Limitations:

- a. Minimum lot area: 2 acres,
- b. Minimum lot width: 250 feet.
- c. Maximum lot coverage: 20 percent.
- d. Minimum front yard dimension: 50 feet from highway.
- e. Minimum side yard dimension:
- f. Minimum rear yard dimension: 50 feet.
- g. Maximum building height: 2 1/2 stories (i.e. 40 feet).
- h. Off-street parking:

Use	Off-Street Parking Required
One-family dwelling	Two spaces
Two-family dwelling	Four spaces
Golf course	Four spaces per hole
Tennis Court	Two spaces per court
Swimming Pool	One for each 250 square feet of gross floor space
Mobil Home Park	Two spaces per unit
Other uses	One space for each 250 square feet of gross floor space

Section 91-440. SR - Single Family Residential District

Any use not expressly permitted is hereby expressly excluded in a Single Family Residential (SR) District.

1. Uses Permitted by Right:

- Single and two-family detached residential units excluding mobile homes.
- Limited agriculture on lots less than 5 acres and unlimited agriculture on lots of more than 5 acres.
- Public uses including schools, museums, parks and administrative offices, but excluding the storage of road equipment, garages and road materials.
- Planned unit residential development and cluster residential development in accordance with Section 91-504 and 91-505 of this Local Law.
- Essential services.

2. Permitted Uses Subject to Securing a Special Permit From the Town Board of the Town of Busti:

Semi-public uses including churches.

3. Permitted Uses Subject to Securing Special Use Permit From the Zoning Board of Appeals:

Customary Home Occupations

4. Permitted Accessory Uses:

Accessory structures or uses, including detached private garage, garden house, tool house, greenhouse and similar uses for residents only, and docks and boat-docking facilities for private use.

5. Lot Limitations:

- a. Minimum lot area: 1 acre.
- b. Minimum lot width: 120 feet.
- c. Maximum lot coverage: 30 percent.
- d. Minimum front yard dimension: 50 feet from highway.
- e. Minimum side yard dimension: 20 feet.
- f. Minimum rear yard dimension: 50 feet.
- g. Maximum building height: 2 1/2 stories (i.e. 40 feet),
- h. Off-street parking:

Use	Off-Street Parking Required
One-family dwelling	Two spaces
Other uses	One space for each 250 feet of gross floor space

Section 91-450. MR - Multi-Family Residential District

Any use not expressly permitted is hereby expressly excluded in a Multi-Family Residential (MR) District.

1. Uses permitted by right:

- Multi-family residences (excluding apartments of more than three stories but not more than 40 feet in height).
- Single-family detached residence (excluding mobile homes).
- Two-family residences.
- Limited agriculture on lots of less than 10 acres.
- Unlimited agriculture on lots of more than 10 acres.
- Public uses including schools, museums, parks and administrative offices.
- Planned unit residential development and cluster residential development in accordance with Sections 91-504 and 91-505 of this Local Law.
- Essential services.

2. Permitted uses subject to securing a special use permit from the Town Board of the Town of Busti:

None.

3. Permitted uses subject to securing a special use permit from the Zoning Board of Appeals:

- Club, fraternal, lodge and meeting halls.
- Home occupation of a restricted nature.
- Nursing or convalescent home, or sanitarium.

4. Permitted accessory units:

No accessory uses are permitted in a multi family residential district except detached garages and recreational facilities located to the rear of the principal building.

5. Lot Limitations:

- a. Minimum lot area: 2 acres or 30,000 square feet per dwelling unit whichever is greater.
- b. Minimum lot width: 150 feet.
- c. Maximum lot coverage: 35 percent.
- d. Minimum front yard dimension: 50 feet from highway
- e. Minimum side yard dimensions: 25 feet each
- f. Minimum rear yard dimensions: 50 feet.
- g. Maximum building height: 3 stories (i.e. not more than 40 feet).
- h. Off street parking.

Use	Off-Street Parking Space Required
Multiple dwelling	Two for each dwelling unit
Rooming or boarding house	Two, plus one for each roomer
Town house	Two for each dwelling unit
School	One for each employee
Nursing or Convalescent home or Sanitarium	One for each two beds, plus one for each employee
Other uses	One for each 250 square feet of gross floor space
HUD Section 202 housing	One space for each residential dwelling unit but not less than 20 spaces

Where property is served by public sewer system the following lot limitations, which shall not be reduced by provisions herein contained in Articles 91-500. CLUSTER AND PLANNED RESIDENTIAL UNIT DEVELOPMENTS-SUBDIVISIONS shall apply:

- a. Minimum lot area: 1/2 acre or 30,000 square feet per dwelling unit whichever is greater.
- b. Minimum lot width: 125 feet.
- c. Maximum lot coverage: 25 percent.
- d. Minimum front yard dimension: 50 feet from highway.
- e. Minimum side yard dimensions: 15 feet each.
- f. Minimum rear yard dimensions: 50 feet.
- g. Maximum building height: 3 stories (i.e. 40 feet).
- h. Distance from lake: 50 feet.

i. Off street parking.

Use	Off-Street Parking Space Required
Multiple dwelling	Two for each dwelling unit
Rooming or boarding house	Two, plus one for each roomer
Town house	Two for each dwelling unit
School	One for each employee
Nursing or Convalescent home or Sanitarium	One for each two beds, plus one for each employee
Other uses	One for each 250 square feet of gross floor space
HUD Section 202 housing	One space for each residential dwelling unit but not less than 20 spaces

Section 91-460. LC - Lakeshore Commercial District

Any use not expressly permitted is hereby excluded in a Lakeshore Commercial (LC) District.

1. Uses permitted by right:

- Establishments selling water recreational goods including bait, tackle water recreational equipment and supplies, boats and boat equipment.
- Marinas.
- Boat repair and boat building facilities.
- Facilities for servicing boats.
- Stores selling food products.
- Eating and drinking establishments.
- Hotels, motels and over-night cabins.
- Boat houses, boat launches, piers, wharves, docks, bulkheads, jetties and similar structures.
- Essential services.

2. Permitted uses subject to securing a special use permit from the Town Board of the Town of Busti:

None.

3. Permitted uses subject to securing a special use permit from the Zoning Board of Appeals:

Indoor and outdoor recreational facilities.

4. Permitted accessory uses:

Outdoor storage of any of the items used or sold incident to a primary use; any accessory use of building customarily incidental to a primary use when located on the same lot, but excluding residential uses.

5. Lot Limitations:

- a. Minimum lot area: 1 acre.
- b. Minimum lot width: 80 feet.
- c. Maximum lot coverage: 45 percent.
- d. Minimum front yard dimension: 50 feet from highway.
- e. Minimum side yard dimension: 12 feet on each side except when a side yard abuts the lakeshore, in which case such side yard minimum distance shall be 50 feet from the lake.
- f. Minimum rear yard dimension: 15 feet except where the rear abuts lakeshore in which event such rear yard must meet a minimum dimension of 50 feet from the lake.
- g. Maximum building height: 2 1/2 stories (i.e. 40 feet).
- h. Off-street parking:

Uses	Off-Street Parking Space Required
Marinas	1 space for each boat slip
Any other use	2 spaces for each 250 square feet of gross floor space

6. Any of the uses permitted by right shall not protrude past natural shoreline at high water level exclusive of piers, wharves, docks, bulkheads, jetties and similar structures.

Section 91-465. GC - Gateway Commercial District

Any use not expressly permitted is hereby excluded in a Gateway Commercial (GC) District.

1. Uses permitted by right:

- Establishments selling water recreational goods including bait, tackle, water recreation equipment and supplies, boats and boat equipment (excepting boat storage).
- Gift and novelty stores.
- Stores selling food products.
- Eating and drinking establishments.

- Hotels, motels, and bed and breakfasts.
- Essential services.
- Florist shops.
- Nurseries.
- Antique and art shops.
- Artists studios.
- Ice cream shops.

2. Permitted uses subject to securing a special use permit from the Town of Busti:

None.

3. Permitted uses subject to securing a special use permit from tile Zoning Board of Appeals:

Indoor and outdoor recreational facilities.

4. Permitted accessory uses:

Any accessory use of building customarily incidental to a primary use when located on the same lot, but excluding residential uses as well as outdoor storage.

5. Lot Limitations:

- a. Minimum lot area: 1 acre.
- b. Minimum lot width: 80 feet.
- C. Maximum lot coverage: 45 percent.
- d. Minimum front yard dimension: 50 feet from highway.
- e. Minimum side yard dimension: 20 feet each side.
- f. Minimum rear yard dimension: 20 feet.
- g. Maximum building height: 1 1/2 stories (i.e. 26 feet).
- h. Off-street parking:

Use	Off Street Parking Space Required
All uses	2 spaces for each 250 square feet of gross floor space.

Section 91-470. HC - Highway Commercial District

Any use not expressly permitted is hereby expressly excluded in a Highway Commercial (11C) District.

1. Uses permitted by right:

- Agriculture implements sale and service.
- Building materials, retail sales.

- Indoor and outdoor recreation facilities, including bowling alleys, theaters, pool halls, dance halls, amusement centers, amusement parks, miniature golf and driving ranges.
- Monument sales.
- Pet stores.
- Animal hospitals and shelters and dog kennels.
- Antique and art shops.
- Apparel shops.
- Artists studios.
- Automobile sales and automobile accessory stores.
- Bakery, confectionery and ice cream shops, including the baking and processing of food products when prepared for retail use or sales on premises only.
- Banks and financial institutions.
- Barber shops, beauty shops, chiropractors and similar personal service
- Beverage stores including the sale of beer and liquor.
- Book and stationary stores including office, school and drafting supply.
- Bus and taxi terminals.
- Business machine sales and service.
- Business and technical colleges and schools.
- Catalog stores.
- Catering service.
- China and glassware stores.
- Cigarette and tobacco stores.
- Coin and stamp shops.
- Cosmetic sales.
- Department and variety stores.
- Drug stores.
- Eating and drinking establishments.
- Essential services.
- Feed and seed stores.
- Florist shops.
- Furniture and appliance sales and service, but not including assembly or manufacture.
- Gift and novelty stores.
- Hardware, glass, paint and wallpaper stores.
- Hearing aid and eyeglass dispensing.
- Hobby shops.
- Home furnishing stores.
- Hotels and Motels.
- Interior Decorating Shops.
- Jewelry and Watch Repair Shops.
- Dental and medical laboratories and offices.
- Laundries, laundrette, cleaning and pressing establishments.
- Libraries, museums and galleries.

- Leather goods and luggage stores.
- Locksmiths.
- Medical and surgical supply stores.
- Motor vehicle parking, terminals and storage, including parking and parking lots for cars, trucks, buses and heavy equipment.
- Mortuaries and funeral parlors.
- Multi-family residences (excluding high-rise apartments of more than 2 1/2 stories).
- Music Stores.
- Newsstand.
- Nurseries, greenhouses and garden supplies.
- Offices.
- Off-street parking.
- Photograph studios.
- Planned unit residential development and cluster residential development in accordance with Section 91-504 and 91-505 of the Town of Busti Zoning Code.
- Public uses including schools, museums, parks and administrative offices.
- Repair services of household items.
- Schools and places of instruction for music, dancing, reading, languages, elocution and similar subjects.
- Shoe repair.
- Single-family detached residence (excluding mobile homes).
- Churches.
- Tailor and seamstress shops.
- Two-family residences.
- Watch and clock repair.

2. Permitted uses subject to securing a special use permit from the Town Board of the Town of Busti:

Motor vehicle service stations (including automobile painting, upholstery and body shops).

3. Permitted uses subject to securing permit from the Zoning Board of Appeals:

Radio and television facilities and towers, clubs, fraternal, lodge and meeting halls.

4. Permitted accessory uses:

Outdoor storage of any of the items relating to the primary uses hereinabove set forth in this section and any accessory use or building customarily incident to a primary use when located on the same lot. No residential uses are allowed.

5. Lot Limitations:

- a. Minimum lot area: 1 acre.
- b. Minimum lot width: 100 feet.
- c. Minimum lot coverage: 45 percent.
- d. Minimum front yard dimension: 50 feet.
- e. Minimum side yard dimension: 1.2 feet each side.
- f. Minimum rear yard dimension: 25 feet.
- g. Maximum building height: 2 stories (i.e. 32 feet)
- h. Off-street parking:

Uses	Off-Street Parking Required
Funeral Home	Fifty for each viewing room
School conducted for profit	One for each four seats
Hotel and Motel	One for each rental unit
Eating and drinking establishments	One for each 100 sq ft of gross floor space
Indoor recreation	One for each 100 sq ft of gross floor space
Theater, concert hall	One space for every 5 seats
Vehicle service station	One for each employee, plus one for each 125 square feet of gross floor space
Other uses	One for each 250 sq ft of gross floor space

Section 91-480. I - Industrial District

Any use not expressly permitted is hereby expressly excluded in an Industrial (I) District.

1. Uses permitted by right:

- Bottling works.
- Building materials sales yard.
- Building contractor shop.
- Carpenter and cabinet maker.
- Electronic and small parts assembly and/or manufacture.
- Laboratories and research facilities.
- Locksmith.
- Machine shops and machine repair shops.
- Manufacture, compounding, processing or treatment of such products as: Bakery goods, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceutical, toiletries and food products (except the following: fish, sauerkraut, pickles, vinegar and the rendering of oils and fats).
- Manufacture, fabrication, compounding, treatment assembly, processing of articles and merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, metal, wood, leather, paper and paperboard, plastic, precious textiles or yarns.

- Metal smiths.
- Motor vehicle terminals and storage.
- Storage of materials, supplies and equipment.
- Upholstering.

2. Permitted uses subject to securing a special permit from the Town Board of the Town of Busti:

None.

3. Permitted uses subject to securing a special use permit from the Board of Appeals:

None.

4. Permitted accessory uses:

Any accessory use of building incidental to the primary use when situated on the same lot.

5. Lot Limitations:

- a. Minimum lot area: 5 acres.
- b. Minimum lot width: 300 feet.
- c. Maximum lot coverage: 30 percent.
- d. Minimum front yard dimension: 250 feet.
- e. Minimum side yard dimension: 100 feet.
- f. Minimum rear yard dimension 100 feet.
- g. Maximum building height: 2 stories (i.e. 32 feet).
- h. Off-street parking:

Uses	Off-Street Parking Required
Warehousing	One space for each 500 sq ft of gross floor area
Other Uses	One space for each 250 sq ft of gross floor area

6. A 250-foot greenbelt must be maintained between any building in an industrial zone and the Industrial district boundary line, or a collector or arterial road or right of way.

7. All permitted uses and activities must be conducted in an enclosed building in such a manner that no fire hazard, radio activity, electrical disturbance, noise, vibration, dust, smoke, odor, air pollution or glare maybe detected beyond the boundary lines upon which the facility is located. Storage of new materials, component parts, finished products and waste material must be within an enclosed building.

Section 91-490. LMR - Light Manufacturing and Research and Development

Any use not expressly permitted is hereby expressly excluded in a Light Manufacturing and Research Development (LMR) District.

1. Uses permitted by right:

- Bottling works.
- Building Contractor shop.
- Carpenter and cabinet maker.
- Commercial services to industry and not to general public.
- Consultation and professional services and offices.
- Electronic and small parts assembly and/or manufacture.
- Laboratories.
- Machine shops.
- Manufacture, fabrication, compounding, treatment assembly, processing of articles and merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, metal, wood, leather, paper and paperboard, plastic, precious textiles or yarns.
- Metal smiths.
- Processing of goods by machine and hand.
- Research and testing facilities.

2. Permitted uses subject to securing a special use permit from the Town Board:

None.

3. Permitted uses subject to securing a special use permit from the Board of Appeals:

None.

4. Permitted accessory uses:

Any accessory use of building customarily incidental to the primary use when situated on the same lot.

5. Lot Limitation:

- a. Minimum lot area: 5 acres.
- b. Minimum lot width: 300 feet.
- c. Maximum lot coverage: 30 percent.
- d. Minimum front yard dimension: 100 feet.
- e. Minimum side yard dimension: 50 feet each.
- f. Minimum rear yard dimension: 50 feet.
- g. Maximum building height: 2 stories (i.e. 40 feet).
- h. Off-street parking:

Uses	Off-Street Parking Required
Warehousing	One space for each 500 sq ft of gross floor area
Other Uses	One space for each 250 sq ft of gross floor area

6. All permitted uses and activities in the Light Manufacturing and Research and Development District must be conducted in an enclosed building in such a manner that no fire hazard, radio activity, electrical disturbance, noise, vibration, dust, smoke, odor, air pollution or glare maybe detected beyond the boundary lines upon which the facility is located. Storage of new materials, component parts, finished products and waste material must be within an enclosed building.

7. A 100-foot greenbelt must maintained between any building in a LMR (Light Manufacturing and Research Development) zone and the LMR zone or a collector or arterial road or right of way.