

**LAND USE**

**Chapter 76**

**From the  
CODE  
of the  
TOWN OF CATO**

**COUNTY OF CAYUGA  
STATE OF NEW YORK**

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**LAND USE**

**Chapter 76**

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**[HISTORY: Adopted by the Town Board of the Town of Cato 12-4-1984. Sections 76-3, 76-7A(1), 76-8B(1), 76-9A(1)(b) and (2)(a), (b)[2], (d)[1] and (e)[6], 76-11A(3), C and D(2), 76-12, 76-14B, 76-15A(1) and C(2), 76-19A and B, 76-21 and 76-22 amended and §§ 76-11D(7), 76-15A(4) and 76-17 added during codification; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]**

## GENERAL REFERENCES

Planning Board — See Ch. 28.

Environmental quality review — See Ch. 51.

Fire prevention and building construction — See Ch. 58.

Flood damage prevention — See Ch. 61.

Subdivision of land — See Ch. 98.

Board of Appeals rules — See Ch. A119.

## ARTICLE I

## Title; Definitions

## § 76-1. Title.

This chapter shall be known as the "Town of Cato Land Use Ordinance."

## § 76-2. Word usage; definitions.

## A. Word usage.

- (1) Words used in the present tense include the future tense.
- (2) The singular number includes the plural.
- (3) The word "person" includes a corporation as well as an individual.
- (4) The word "lot" includes the words plot, parcel and property.
- (5) The term "shall" is always mandatory.

## B. Definitions. For the purpose of this chapter, certain terms or words used herein shall be interpreted or defined as follows:

**BUILDING** — Any structure having a roof supported by columns or by walls and intended for the shelter of persons, animals or chattels.

**BUILDING, FRONT LINE OF** — The line of that face of a building nearest to the road. This face includes garages and front porches of dwellings, whether enclosed or unenclosed, but does not include steps.

**CAMPING GROUND** — Any lot used or intended to be used by, let to or rented to persons for camping in trailers, tents or other temporary dwellings and supplied with a water and sewage disposal system approved by the Cayuga County Health Department.

**CERTIFICATE TO OCCUPY** — A written statement from the Land Use Inspector that the construction or use proposed under the same numbered land use permit is completed and complies with the existing regulations of the Land Use Ordinance. A "certificate to occupy" gives approval for the building or structure to be used or for the land use to continue.

**DWELLING** — A building designed or used exclusively as family living quarters and which is supplied with a water and sewage disposal system approved by the Cayuga County Health Department.

**FAMILY** — One (1) or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

**FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of exterior walls. In the case of dwellings, the measurement of "floor area" shall exclude attic space with less than seven (7) feet six (6) inches headroom, cellars, garages, porches, breezeways and parking ports.

**HOME OCCUPATION:**

(1) An activity that:

(Cont'd on page 7605)

- (a) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit.
- (b) Is clearly incidental and secondary to the use of the dwelling for residential purposes.
- (c) Conforms to the following regulations:
  - [1] The home occupation shall be carried on wholly indoors and within the principal building or within a building or other structure accessory thereto.
  - [2] There shall be no use of show windows or display or advertising outside the premises to attract customers or clients other than the home occupation announcements as permitted.
  - [3] There shall be no exterior storage of materials.
  - [4] No external alterations, additions or changes to the structure shall be permitted in order to accommodate a home occupation.
  - [5] No articles shall be sold or offered for sale except as may be produced on the premises or are incidental to a main occupation.
  - [6] No repetitive servicing by truck for supplies and material shall be required.
  - [7] The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than two additional employees.
  - [8] The floor area devoted to a home occupation shall not be more than 25% of the ground floor area of the principal

residential structure or 500 square feet, whichever is less.

- (2) In particular, a home occupation includes but is not limited to the following: art studio; professional office of a physician, dentist, lawyer, engineer, architect, writer or accountant; beauty parlor or barbershop; dressmaking or tailor shop; the repair of appliances or other small items; and the teaching of not more than 12 pupils simultaneously.
- (3) Among the uses that shall not be interpreted to be a home occupation are the following: animal hospital, commercial stables and kennels, restaurants, motor vehicle and motorcycle repair facilities and recycling operations. [Amended 7-7-1998 by L.L. No. 2-1998]

#### HOME OCCUPATION, MISCELLANEOUS:

- (1) In a dwelling, the renting of rooms without separate cooking facilities for not more than four lodgers.
- (2) A drive-in stand not exceeding 400 square feet of gross floor area for the sale of farm, nursery or greenhouse products produced on the premises where offered for sale is subject to the following provisions:
  - (a) The stand may be in the front yard but shall not be within 50 feet of any intersection.
  - (b) Parking for vehicles shall be provided off of the street pavement.

**JUNKYARD** — Any place of storage or deposit, whether in connection with another business or not, of wastepaper, rags, scrap metal, discarded material and machinery or where more than one unregistered, old or secondhand motor vehicle is held, whether for the purpose of resale of used parts therefrom; for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise; for the purpose

of disposing of the same; or for any other purpose. Such term shall include any place of storage or deposit for any such purpose of used parts or waste material from motor vehicles which, taken together, equal in bulk more than one such vehicle. [Amended 11-6-1986; 12-1-1987]

**LAND USE PERMIT** — A written approval from the Land Use Inspector that the construction or use proposed in the application for a land use permit is in accord with the regulations of the Land Use Ordinance. A permit gives approval for the construction or use to begin.

(Cont'd on page 7607)

**LOT WIDTH** — The mean width of a lot measured at right angles to its depth.

**MARINA** — A marine facility that is operated for profit, provides facilities for more than twenty (20) boats and is primarily oriented toward providing permanent and/or transient mooring for recreational boating and may also contain facilities for boat launching, servicing, repairing and concessions: snack bar, restaurant, etc.

**MOTOR VEHICLE** — Any vehicle propelled or drawn by power other than muscular power and originally intended for use on public highways.

**PARKING SPACE** — The area required for parking one (1) motor vehicle, which in this chapter is held to be an area ten (10) feet wide and twenty (20) feet long, not including passageways.

**RECREATIONAL FACILITIES** — Areas including parks, picnic places, hiking and snowshoe trails, horse-riding academies, tennis courts, golf courses, marinas, toboggan slides, ski runs, bathing beaches, swimming pools, athletic sports tracks and other like open-air sports facilities.

**REFUSE** — All solid waste, including garbage, rubbish, ashes, incinerator residue, road cleanings, dead animals, offal and solid commercial and industrial wastes.

**REFUSE DISPOSAL DUMP** — Any land used for the depositing of refuse, except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm in which only animal wastes resulting from the operation of such farm are deposited.

**ROAD** — Includes street and highway. The center of the "road" shall mean the center of the road right-of-way.

**SIGN** — Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

**STRUCTURE** — A combination of materials other than a building to form a construction that is safe and stable, and includes stadiums, platforms, boat-docking facilities, radio towers and display signs.

**UTILITY BUILDING** — Any structure having a roof supported by columns or walls and intended for storage of equipment and supplies. Such building is not to be used as living quarters and shall have no sewage disposal requirements.

**ARTICLE II**  
**Establishment of Districts; Map;**  
**Interpretation of Boundaries**

**§ 76-3. Establishment of districts.<sup>1</sup>**

For the purpose of promoting the public health, safety, welfare and morals of the town, the Town of Cato is hereby divided into the following types of districts:

Residential(R)  
Agricultural(A)  
Recreational(S)  
Industrial(I)  
Disposal(D)  
Planned Development(PDD)

**§ 76-4. Land Use Map.**

Said districts are bounded and defined on the map entitled "Land Use Map of the Town of Cato," adopted and certified by the Town Clerk. This map, with all explanatory notes thereon, is hereby made part of this chapter.<sup>2</sup>

<sup>1</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>2</sup> Editor's Note: The Land Use Map is included at the end of this volume.

**§ 76-5. Interpretation of boundaries.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Land Use Map, the following rules shall apply:

- A. Where district boundaries are indicated as following the center lines of roads, such center lines shall be the boundaries.
- B. Where the boundary of a district follows a stream, lake or other body of water, said boundary shall be deemed to be the limit of the jurisdiction of the Town of Cato.
- C. Otherwise, the boundaries shall be determined by the boundary lines shown on the Land Use Map.

**ARTICLE III  
General and District Regulations**

**§ 76-6. General regulations.**

- A. Except as hereinafter provided:
  - (1) No building shall hereafter be erected or altered to have a smaller floor area or a shorter setback than is specified for the district in which such building is located.
  - (2) No building, structure or land shall be occupied or used and no building, structure or part thereof shall be erected, moved, altered or the use thereof changed unless in conformity with the regulations herein specified for the district in which it is located.
  - (3) No part of the lot width or lot area about a building required for the purpose of complying with the provisions of this chapter shall be included as a part of the lot width or lot area similarly required for another building.
  - (4) No uses shall be permitted in any district other than the uses enumerated for each district.

- B. Other provisions of this chapter notwithstanding, nothing shall prohibit the use of a lot of less than the required area and lot width for a dwelling in any district, provided that all the other provisions of this chapter are complied with, when such lot, at the time of the effective date of this chapter, was owned or under contract of sale by persons other than those owning or leasing any adjoining lot. [Amended 11-6-1986]

**§ 76-7. Residential Districts (R). [Amended 11-6-1986]**

The following regulations shall apply to all Residential Districts:

- A. Permitted principal uses. Permitted principal uses shall be as follows:
- (1) Single-family dwellings, each dwelling to be on a separate lot. For the purposes of this section, "lot" shall be defined as provided in § 98-7 of the Code of the Town of Cato.<sup>1</sup>
  - (2) Customary agricultural operations.
- B. Permitted accessory uses. Permitted accessory uses, located on the same lot with the principal use, shall be as follows:
- (1) Private garages.
  - (2) Customary home occupations.
- C. Special permit uses. Uses permitted upon issuance of a special permit by the Board of Appeals shall be as follows:
- (1) Private and public schools.
  - (2) Institutions.
  - (3) Libraries.
  - (4) Churches.
  - (5) Office buildings.
  - (6) Hospitals.
  - (7) Clubhouses.
  - (8) Fire stations.

<sup>1</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

(9) Recreational facilities.

(10) Multiple-family dwellings and multiple dwellings.  
[Added 7-7-1998 by L.L. No. 2-1998]

- D. Required lot area and lot width. Lot area shall be not less than  $\frac{1}{2}$  acre, and lot width shall be not less than 150 feet. For lots on which sewage or other domestic waste is disposed of in the soil on the lot, lot area shall be not less than one acre, and lot width shall not be less than 200 feet.
- E. Land subdivision regulations are in effect and supplement these regulations.

#### § 76-8. Agricultural Districts (A).

The following regulations shall apply to all Agricultural Districts:

- A. Permitted principal uses. Permitted principal uses shall be as follows:
- (1) Customary agricultural operations.
- B. Accessory uses. Accessory uses permitted upon issuance of a special permit by the Board of Appeals shall be as follows:
- (1) Not more than two single-family dwellings and garages on any lot existing at the time of the enactment of this chapter. No dwelling shall be constructed on a lot area of less than one acre and with a lot width of less than 200 feet. Once a residence has been established in an Agricultural District, an accessory structure for the residence will be allowed upon the application of a building permit, as long as it would not hinder agricultural operations on said land or surrounding lots and meets all other Land Use Ordinance requirements. The Board of Appeals shall not issue a permit if this use will hinder or curtail the conduct of customary

agricultural operations on this lot or surrounding agricultural lots.<sup>1</sup>

### § 76-9. Recreational Districts (S).

The following regulations shall apply to all Recreational Districts:

A. Permitted principal uses. Permitted principal uses shall be as follows:

(1) Private recreational areas. **[Amended 11-6-1986]**

(a) Regulations for Residential Districts shall apply in private recreational areas. (See § 76-7.)

(b) **[Amended 7-7-1998 by L.L. No. 2-1998]** Construction of a utility building not exceeding 300 square feet is permitted, provided that:

[1] The distance from the edge of any laneway to the edge of the proposed building is at least 40 feet.

[2] Said outbuilding is a minimum of 10 feet from any existing structure and property boundary lines.

[3] All other provisions of the Land Use Ordinance are complied with.

(2) Public recreational facilities.

(a) Permits. No public camping grounds, tent camping grounds, picnic area or boat marina facility may be constructed, operated or maintained in the Town of Cato without approval of the Cayuga County Board of Health and a construction permit by the Town of Cato Land Use Inspector. **[Amended 11-6-1986<sup>2</sup>]**

<sup>1</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>2</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

## (b) Area.

- [1] No public campground, picnic area or boat marina facility within the Town of Cato shall be less than 90,000 square feet. All public campgrounds, picnic areas and boat marina facilities fronting on a lake, pond or river within the Town of Cato shall be above the high-water line of any such lake, pond or river. The minimum width and length shall be 250 feet and 360 feet respectively. [Amended 7-7-1998 by L.L. No. 2-1998]
- [2] The minimum campground unit area assigned space shall be 30 feet wide and 50 feet long (1,500 square feet), clearly defined on the ground by stakes, posts or other markers. The minimum roadway on which each individual campsite shall front shall be 20 feet in width with a minimum surface of 17 feet in width of a durable road for two-way traffic. For one-way traffic, the width shall be 15 feet and 12 feet of a durable surface. Such one-way roads shall be clearly marked as such and shall indicate the direction of travel. Such roadways shall have unobstructed access to a public street or highway. Roadways shall be capable of supporting Town of Cato Fire Department equipment.<sup>3</sup>
- [3] Tents may utilize land between the high-water line and the shore of water.
- [4] Picnic grounds and boat marinas shall be provided with an access lane as described

<sup>3</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II. Original Section 4.4.1.2.2(C), regarding placement and size of trailers, which immediately followed this subsection, was deleted during codification; see Ch. 1, General Provisions, Art. II.

in Subsection A(2)(b)[2]. **[Amended 7-7-1998 by L.L. No. 2-1998]**

- [5] No trailers, tents or picnic tables may be located closer than 25 feet to adjoining property boundary lines, nor shall any boat be stored on any marina within 25 feet of adjoining property boundary lines.

(c) Sanitary facilities.

- [1] The sanitary regulations of Cayuga County and the State Board of Health shall be complied with as to plumbing fixtures, sewage facilities and drinking water.<sup>4</sup>
- [2] Public picnic grounds and boat marinas shall be provided with lavatory and toilet facilities so outlined in Subsection A(2)(c)[1].
- [3] Cleanliness shall be maintained at all times.
- [4] Provisions acceptable to the Cayuga County Board of Health shall be made for the handling and removal of all garbage, trash or refuse from any camp or picnic ground daily. Disposition shall be made in conformity with the sanitary regulations of the Town of Cato and Cayuga County. Garbage and trash containers for the use of campers and picnickers shall be placed not farther than 150 feet apart.

(d) Safety.

- [1] All entrances, exits and roadways between rows of trailers and/or tents used or

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<sup>4</sup> Editor's Note: Original Section 4.4.1.2.3(B) and (C), regarding running water, sewage connections and other sanitary facilities, which immediately followed this section, was deleted during codification; see Ch. 1. General Provisions, Art II.

occupied shall be lighted during hours of darkness.<sup>5</sup>

- [2] Electric outlets provided for trailer or tent plug-in shall be wired in accordance with the New York State and Cayuga County Electrical Codes.
- [3] Gasoline or oil storage tanks shall comply with New York State and Cayuga County regulations.
- [4] No business shall be conducted from any trailer, tent or assigned space on the campground.

(Cont'd on page 7615)

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<sup>5</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

- [5] A children's playground shall be maintained and equipped, and its minimum size shall be eighty (80) feet square or equivalent.
- (e) Procedure to secure public facility permit. The developer shall make an application to the Planning Board for approval of the plan and shall include the following information, as applicable.
- [1] A letter of application with the name of the development.
- [2] Eight (8) copies of the plan drawing.
- [3] Eight (8) copies of the vicinity map.
- [4] Estimated annual water consumption.
- [5] Any other data necessary to the Planning Board.
- [6] Application procedure.<sup>9</sup>
- [a] The Planning Board shall transmit a copy of the plan and vicinity map to the following officials and agencies for their review and recommendations:
- [i] Cayuga County Health Department.
- [ii] Town Board of the Town of Cato.
- [iii] Town Land Use Inspector or the Town Board of Appeals, as applicable.
- [iv] Department of Environmental Conservation.<sup>10</sup>
- [b] The Planning Board shall, within fifteen (15) days of submission of the afore-

<sup>9</sup> Editor's Note: Original Section 4.4.1.2.6(A)6(a), regarding application fees, which immediately followed this subsection, was deleted during codification; see Ch. 1, General Provisions, Art. II.

<sup>10</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

mentioned plan, forward pertinent information to interested officials for review and approval or recommendations.

[c] The Planning Board shall, within forty-five (45) days after approval of the plan by the aforementioned officials and agencies, approve or approve conditionally, stating the conditions of such approval, or disapprove the plan.

[d] The action shall be noted on the plan, and one (1) copy shall be returned to the developer; one (1) copy shall be entered in the official records of the Town Board; and one (1) copy shall be filed with the Planning Board records.

B. This section shall apply to all existing public facilities beginning on the effective date with the following exceptions:

- (1) Subsection A(2)(b) shall not apply to present facilities.
- (2) Expansions of picnic grounds, boat marinas and trailer and tent assigned spaces on an existing campground made after May 1, 1969, shall be in conformance with this section. Modifications or additions to any public campground, picnic ground or boat marina in existence prior to the effective date of this section may not be initiated prior to application for a permit and approval by the Town of Cato Planning Board.
- (3) All existing campgrounds shall comply with Subsection A(2)(c) within one (1) year after the effective date of this statement. [Amended 11-6-1986]

#### § 76-10. Planned Development Districts (PDD).

A. Purpose. In Planned Development Districts, land and buildings may be used for any lawful purpose as authorized by the Town Board in accordance with procedures herein

established. The Planned Development District (PDD) is designed to provide flexible land use and design regulations through the use of performance criteria so as to encourage maximum efficiency in development in a manner compatible with existing land uses and environmental constraints. Where deemed appropriate to achieving these objectives, the Town Board may replace the use and dimensional specifications elsewhere stated in this chapter with those set forth as part of a particular plan reviewed according to the terms of the PDD approval process, and the approved plan shall become the basis of control for development of the PDD.

- B. Objectives. In order to achieve the purpose of this chapter, a PDD shall achieve the following minimal objectives. These minimal objectives shall be addressed by the applicant for a PDD as part of the proposal submitted for approval.
- (1) Provide open space and/or buffer areas between the PDD and adjacent uses.
  - (2) Preserve trees, outstanding natural topography and geologic features and prevent soil erosion.
  - (3) Propose a creative use of land and related physical development so as to allow an orderly transition of land from rural to nonrural use.
  - (4) Present an efficient plan minimizing utility and street networks, thereby limiting costs of construction to the developer and costs of maintenance to future residents and/or the town.
  - (5) Place any commercial or service areas within a residential PDD in a convenient location.
  - (6) Provide a development pattern in harmony with the objectives of the plans and laws of the Town of Cato, County of Cayuga, State of New York and federal government.
  - (7) Provide a more desirable environment for living and working than would be possible through strict application of other Articles of this chapter.

C. General requirements. The applicant for a PDD shall demonstrate as part of the proposal submitted for approval that the following minimum requirements have been met:

- (1) Minimum area for a PDD shall be at least five (5) acres of contiguous land unseparated by existing roads or properties.
- (2) Ownership of the land proposed as a PDD shall be clearly established, and the approved plan shall be binding on the person or persons established as owners.
- (3) Location of the PDD shall be in an area of the town where the applicant can demonstrate that the character of the land meets the terms of this chapter.
- (4) Proposed uses shall demonstrate compliance with the terms of this chapter.
- (5) Where common property is proposed, such as a recreational area for the common benefit of all residents of an apartment complex, the ultimate ownership and maintenance responsibility for such common property shall be clearly stated and proper arrangements shall be made to ensure continuing satisfactory adherence to said arrangements. Such common property may include but is not limited to streets, drives, service and parking areas, open space and recreational areas.
- (6) When a PDD proposal is subject to the Subdivision Regulations of the Town of Cato,<sup>11</sup> the town shall incorporate the reviews required by the Subdivision Regulations into the review of the PDD. The applicant shall comply with the Subdivision Regulations to the extent practicable, and where impracticable, as determined by the Town Board, the PDD will take precedence.
- (7) Intensity of development is based upon environmental constraints. A greater intensity than allowed under other sections of this chapter may be permitted in a PDD when the applicant can demonstrate that improved overall environmental quality can be achieved by the greater

intensity than by adherence to other requirements of the chapter. Standards for ascertaining environmental quality shall include but not necessarily be limited to those set forth in Subsection D of this section.

**D. Environmental constraints.**

- (1) The uses and design of a PDD shall be subject to environmental constraints. The applicant shall address environmental concerns as part of the proposal submitted for approval of the PDD. The following list shall be considered as illustrative of concerns. The circumstances peculiar to a particular proposal may make it necessary for the Town Board or the Planning Board to require additional information. When the PDD is subject to the State Environmental Quality Review Act, materials prepared to comply with SEQRA will be relied upon for this review whenever practical.
- (2) The applicant shall demonstrate that the proposed PDD will not be made impractical by the following environmental elements and, furthermore, that the proposed PDD will not result in the deterioration of the following environmental elements:
  - (a) Physical character of the site, including the slope of the site, depth to water table, unique or unusual land forms, depth to bedrock, flooding potential, presence of wetlands, presence of surface water, drainage patterns, character of adjacent land and impacts on adjacent land and any other such matters as deemed appropriate.
  - (b) Effect on resources, including plants and wildlife, historic resources, visual settings, air quality, water quality, open-space and recreational facilities, mineral resources and any other such matters as deemed appropriate.
  - (c) Socioeconomic factors, including the effect of the proposed transportation patterns and requirements, unique energy requirements or proposals and noise;

health, including drinking water and sanitary disposal facilities; community growth patterns, including impacts on schools and other municipal facilities; and any other such matters as deemed appropriate.

E. Procedure. The applicant for a PDD shall adhere to the following procedure in seeking approval of the PDD from the town:

- (1) Application for a PDD shall be made to the Town Board. The Town Board shall refer the application to the Town Planning Board for consideration.
- (2) Planning Board consideration shall generally be in three (3) stages: the preliminary proposal review, the conditional proposal approval and the final proposal approval.
  - (a) The preliminary proposal review is intended to permit initial review and evaluation of the application, to discuss with the applicant the scope of information required to conduct a detailed review and to secure a general consensus about the concept being proposed. This stage should be considered an initial contact, and the applicant should only be required to supply preliminary sketch plans, diagrams and written statements designed to clarify and explain the proposal.
  - (b) The conditional proposal approval is intended to be the stage prior to final approval. At this stage, the applicant should provide such detailed information as may be required by the Planning Board to enable the Board to evaluate the proposal and to suggest revisions which may be necessary prior to final approval. This stage should be considered as the working session between the applicant and the Planning Board, and the applicant should provide detailed drawings and environmental data so that a consensus can be reached regarding the impacts of the proposal on the community and suggestions made to mitigate undesirable impacts.

- (c) The final proposal approval is intended as the last stage of Planning Board consideration. At this stage, the Board should be provided with the final site plan developed by the applicant, completely describing the proposal as it will be developed. This stage will provide a final opportunity for the Planning Board to discuss the proposal and to evaluate any changes resulting from the previous stages. At this stage, the Planning Board shall make a recommendation to the Town Board concerning the proposal, and the Planning Board may recommend approval, approval with modification or denial of the proposal.
- (3) Town Board action shall begin upon the receipt of the recommendation of the Planning Board and shall adhere to the procedures for amending ordinances as set forth by § 76-21 with the following variations:
- (a) The recommendation of the Planning Board shall constitute the Planning Board review required by § 76-21.
  - (b) A negative recommendation by the Planning Board will require a majority plus one (1) vote of approval by the Town Board.
  - (c) The publishing of the notice required by § 76-21 shall constitute acceptance by the Town Board that the material provided by the applicant is sufficient to comply with the State Environmental Quality Review Act, and procedures required by that Act shall be undertaken concurrently with the procedures of § 76-21.
- F. Implementation. Upon approval of the proposal by the Town Board, the PDD shall become part of this chapter as an amendment and, as such, subject to all administrative and enforcement procedures of this chapter. Any special limitations, advantages or unique requirements applied to the PDD shall be applicable only within that area defined as the PDD at the time of Town Board approval. The standards applied to the

PDD at the time of approval shall constitute the minimum standards for development.

- G. Amendments. These regulations may be amended from time to time as prescribed by local and state laws.

#### ARTICLE IV Supplementary Regulations

##### § 76-11. Signs.

- A. In Residential, Recreational and Agricultural Districts, no sign shall be erected or used except:

- (1) A professional or announcement sign, which may be illuminated on one (1) or two (2) faces but shall not be flashing, revolving, animated or otherwise in motion nor more than nine (9) square feet in area on each face.
- (2) A nonilluminated temporary advertising sign not more than nine (9) square feet in area for the sale or rental of the property on which it is located.
- (3) An advertising sign, which may be illuminated but shall not be flashing nor more than twenty-four (24) square feet in area, for the sale of products grown or produced or a business conducted on the premises upon which the sign is located.<sup>12</sup>
- (4) Signs appropriate to a public building and signs incidental to legal process and necessary to the public welfare.

- B. No sign in a Residential or Agricultural District shall be located nearer to a road right-of-way line than ten (10) feet.

- C.<sup>13</sup>In PDD Commercial Districts, no sign shall be erected or used except:

- (1) Those permitted in Residential Districts.

<sup>12</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>13</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

- (2) Signs, which may be illuminated on one (1) or two (2) faces, not flashing, revolving, animated or otherwise in motion and not more than one hundred (100) square feet in area, advertising a business conducted on the premises.
- (3) Signs located at least twenty (20) feet from the nearest lot line or road right-of-way line.

D. General.

- (1) No sign in any district may extend over a sidewalk or other public right-of-way.
- (2) Land use permits shall be required for all signs ten (10) square feet in area or larger, and such signs shall be regarded as structures within the meaning of this chapter. The permits shall be renewable each year as per

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the fee schedule provided that the sign is properly maintained and is in conformance with the requirements of this chapter.<sup>6</sup>

- (3) No use in any district shall make exterior displays of more than three signs of any size.
- (4) Advertising display upon a barn or other building or structure shall be regarded as coming within the above regulations.
- (5) In any district, illuminated signs shall be erected and used so that their light will not directly reflect toward Residential Districts within 1,000 feet thereof.
- (6) No sign of more than nine square feet in area shall be erected at a distance of less than 120 feet from the intersection of the center lines of two or more roads.
- (7) A permit shall be needed for a temporary sign over 10 square feet, which shall be allowed for four consecutive months in a calendar year.<sup>7</sup>

#### § 76-12. Nonconforming buildings.<sup>8</sup>

The lawful use of any building or land existing at the time of the enactment of this chapter or any amendment thereto may be continued although such use does not conform to the provisions of this chapter or any amendment thereto.

- A. Unsafe structures. Any structures or portions thereof declared unsafe by the Land Use Inspector shall be restored to a safe condition. **[Amended 7-7-1998 by L.L. No. 2-1998]**

<sup>6</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>7</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>8</sup> Editor's Note: Added during codification; see Ch. 1, General Provisions, Art. II.

- B. Alterations. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50% of its assessed value divided by the equalization rate unless said building is changed to a conforming use.
- C. Extension. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming state.
- D. Construction approved prior to adoption of chapter. Nothing herein contained shall require any change in plans, construction or designated use of a building under actual construction at the time this chapter is adopted and which entire building shall be completed within two years from the date of this chapter.
- E. No building damaged by fire or other cause to the extent of more than 50% of its assessed value divided by the equalization rate shall be repaired or rebuilt except in conformity with the regulations of this chapter.
- F. Discontinuance. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.
- G. Displacement. No nonconforming use shall be extended to displace a conforming use.
- H. District changes. Whenever the boundary districts shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

**§ 76-13. Building setback. [Amended 11-6-1986]**

No building shall be erected so that its front line is less than 80 feet from the center of the nearest public or private road. In

the case of State Highways 34 and 370, the setback shall not be less than 120 feet. No building shall be less than 15 feet from any property boundary lines.

**§ 76-14. Off-street parking; minimum floor area in all districts. [Amended 11-6-1986; 12-1-1987]**

**A. Off-street parking.**

- (1) Adequate off-street parking spaces for motor vehicles shall be provided and satisfactorily maintained for each building constructed after the date on which this chapter becomes effective.
- (2) For each family in a dwelling, three parking spaces shall be provided. For all other uses, the number of parking spaces shall be prescribed by the Board of Appeals, which shall require enough parking spaces for the maximum number of motor vehicles that may reasonably be expected to assemble on the lot at any one time.

**B. Minimum floor area.** For all dwellings, the minimum floor space shall be 900 square feet. Mobile home floor area shall be determined by outside manufactured dimension.<sup>9</sup>

**§ 76-15. Mobile homes. [Added 12-1-1987]**

**A. Foundation. [Amended 7-7-1998 by L.L. No. 2-1998]**

- (1) A mobile home shall be used only as a dwelling and for no other purpose. A mobile home, which is used for a purpose other than a dwelling, shall be removed from the Town of Cato, New York, on or before October 1, 1999. If the Town of Cato has issued a valid permit to allow a mobile home to be used as a storage facility, prior to October 1, 1999,

<sup>9</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

the mobile home may thereafter continue to be used as a storage facility. Furthermore, a mobile home placed in the Town of Cato, on or after October 1, 1999, shall not be more than 10 years old and shall be constructed in such a manner as to have a pitched roof.

- (2) A mobile home used as a dwelling shall be securely attached (tied down by cables or straps conforming to the New York State Uniform Fire Prevention and Building Code) to a concrete pad one foot wider on all four sides of the unit to be set upon it. Such concrete shall be a four-thousand-pound mix, a minimum of six inches thick, reinforced with Number 10 wire, six-by-six-inch wire mesh and three-eighths inch reinforcing bar placed six feet on center in each direction (length and width) placed over a minimum of six inches of bank-run gravel or equivalent and shall be crowned to allow for surface drainage.
  - (3) An acceptable alternative to the pad would be to construct a full basement the same size as the mobile home to be placed on it.
  - (4) Any future additions to the original dwelling unit shall meet the same foundation specifications.
  - (5) Once a mobile home is moved off a nonconforming pad, the pad must then be corrected to conform to the present law.
- B. The mobile home shall have skirting of permanent fire-resistant material to fully close off the area between the bottom of the dwelling and the foundation, and such skirting shall be properly maintained.
- C. Fuel systems and storage.
- (1) All fuel oil supply systems shall have shutoff valves located within five inches of the storage tanks.

- (2) All fuel oil or kerosene storage tanks or cylinders shall be securely placed and concealed from view and shall not be less than five feet from an exit.<sup>10</sup>

D. Temporary mobile home special permit.

- (1) Special home-construction mobile home permit. The Board of Appeals may, after public hearing, issue or renew a special home-construction mobile home permit to a mobile home owner desiring to locate a mobile home on lands owned by the mobile home owner during the course of actual construction of a separate permanent dwelling on said lands. Such temporary special permit shall not be issued unless the applicant is the holder of a building permit issued by the Land Use Inspector for the construction of a permanent dwelling on said lands. Such temporary special permit shall be for a term not exceeding one year and may be renewed only once for a one-year period. No renewal shall be granted unless the building permit is in effect and active construction is being carried on thereunder. The wheels and tires of such mobile home shall not be removed. The Board of Appeals shall have the power to impose such conditions to the granting of such special permit as it deems necessary in order that surrounding lands may be adequately safeguarded and that the spirit and intent of the Zoning Law may be preserved. **[Amended 7-7-1998 by L.L. No. 2-1998]**
- (2) Expiration of special permits. Upon the expiration or revocation of such special permit, such mobile home shall be removed from the premises forthwith.
- (3) Other conditions.
  - (a) Such special permit shall be in addition to the requirements of this chapter and any other

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<sup>10</sup> Editor's Note: Amended during codification, see Ch. 1, General Provisions, Art. II.

applicable laws, rules and regulations of the Town of Cato, except that the dwelling square footage area requirement for such temporary mobile home use may be waived.

- (b) The mobile home shall be supplied with potable water from a public water supply or one approved by the County Health Officer. An adequate and safe sewage disposal system approved by the County Health Officer shall be provided.
- (c) The mobile home shall be provided with a mobile home stand or foundation capable of containing the mobile home in a stable position. The size of such stand shall be suitable for the mobile home it is to contain. Such stand or foundation shall be a reinforced concrete masonry set below the frost line. The mobile home stand or foundation shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. The anchors or tie-downs shall be placed at least at each corner of the stand or foundation and shall be securely attached to the mobile home.
- (d) The mobile home shall be provided with skirts to cover the space between the mobile home and the ground, which skirts shall be of a permanent fire retardant material furnished to conform to the mobile home. **[Amended 7-7-1998 by L.L. No. 2-1998]**
- (e) All fuel storage tanks or cylinders shall be securely placed, concealed from view and shall not be less than five feet from any mobile home exit.

**§ 76-16. Junkyards. [Amended 12-1-1987]**

- A. All junkyards, including those existing at the time of enactment of this chapter, shall, within one year of the enactment of this chapter, be enclosed within a substantial and opaque fence, hedge, growth of trees or other topographical feature, which shall be at least eight feet high and no nearer than 80 feet to the center of any public road.
- B. No person shall operate, establish or maintain a junkyard, including those existing at the time of the enactment of this chapter, until he has obtained a license to operate a junkyard business.
- C. Application for the license shall be made, in writing, on the prescribed form obtainable from the Town Clerk. An annual license fee of \$500 shall be paid at the time the application is made and annually on the first of January thereafter in the event of renewal. The annual license fee is nonrefundable. In the case of existing junkyards, application and payment shall be made within 60 days of the time of the enactment of this chapter and annually on the first of January thereafter in the event of renewal. **[Amended 7-7-1998 by L.L. No. 2-1998]**
- D. Licenses shall not be renewed if the junkyard becomes a public nuisance under the common law or if the applicant is convicted of any type of larceny or the receiving of stolen goods. Licenses shall be personal and not assignable. In the event that the application is not granted, the license fee shall be returned to the applicant.

**§ 76-17. Camper trailers and motor homes. [Added 3-2-1993 by L.L. No. 1-1993; 7-7-1998 by L.L. No. 2-1998]**

Except in public campgrounds, a camper or motor home can be set up on a lot and inhabited between May 1 and October 15.

However, provision must be made for proper disposal of all wastewater and sewage at all times.

**ARTICLE V**  
**Administration and Enforcement**

**§ 76-18. Designation of enforcing official. [Amended 2-3-2004 by L.L. No. 1-2004]**

- A. The Town Board of Cato shall designate and appoint and pay compensation to a Land Use Inspector to administer, supervise and enforce the rules and regulations of this chapter.
- B. In order to hold the office of Land Use Inspector for the Town of Cato, a person need not be a resident of the Town of Cato, but must be a resident of the County of Cayuga or any county adjoining the County of Cayuga.
- C. This section is intended to and shall supercede the residency requirements of § 3(1) of the Public Officers Law of the State of New York.

**§ 76-19. Land use permit and certificate to occupy.**

- A. Any person wishing to erect or change the use of any building or change the use of the land shall apply to the Land Use Inspector for a land use permit and certificate to occupy. Application blanks for this purpose may be obtained from the Land Use Inspector or the Town Clerk. The application for a land use permit to move in, erect or construct any dwelling, camping ground or industry not served by a municipal sewage system shall be accompanied by a permit from the Cayuga County Health Department to construct a private sewage disposal system.<sup>1</sup>

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<sup>1</sup> Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

- B. The application for a land use permit shall be accompanied by a fee as provided in the current fee schedule of the town.<sup>2</sup> A land use permit is valid for one year from the date of issuance and is not transferable. If necessary, a land use permit may be renewed for one additional year for a fee as provided in the current fee schedule of the town.<sup>3</sup>

(Cont'd on page 7633)

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<sup>2</sup> Editor's Note: The current fee schedule is on file in the office of the Town Clerk.

<sup>3</sup> Editor's Note: Amended during codification, see Ch. 1, General Provisions, Art. II.

- C. If the application is not in proper form or is not for a permitted use, the Land Use Inspector will reject the application within 10 days of the date of filing. The reasons for the rejection shall be noted on the copy returned to the applicant.
- D. Construction of any building hereafter erected shall not be commenced nor shall the use of land be changed, in whole or in part, until a land use permit has been assigned by the Land Use Inspector and posted on the premises, certifying that such building, its location and its use and the use proposed for the land conform to the provisions of this chapter.
- E. Upon completion of the construction or of a change in use, the applicant shall notify the Land Use Inspector. The Land Use Inspector will then inspect the property. If such inspection reveals that the requirements of the chapter have been met, the Land Use Inspector shall issue a certificate to occupy within the next 10 days.

#### **§ 76-20. Board of Appeals.**

- A. Creation and organization. A Board of Appeals is hereby created consisting of five members. The Town Board shall appoint the members for overlapping five-year terms and shall also appoint the Chairman and the Secretary. The Board of Appeals shall prescribe rules for the conduct of its affairs.
- B. The Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which are more particularly defined as follows:
  - (1) Interpretation: upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provisions of this chapter, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- (2) **Special permits:** to issue special permits for any of the uses for which this chapter requires the obtaining of such permits from the Board of Appeals but not for any other use or purpose. No such special permit shall be granted by the Board of Appeals unless it finds that:
  - (a) The use will neither hinder nor curtail the use of nor prevent the orderly development of adjacent property.
  - (b) The health, safety, welfare and morals of the town will not be adversely affected.
  - (c) The use will be in harmony with the purpose and intent of this Land Use Chapter.
  
- (3) **Variances:** to vary or adapt the strict application of any of the requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby such strict application would result in physical difficulty or unnecessary hardship but in no other case.
  - (a) No variance in the strict application of any of the provisions of this chapter shall be granted by the Board of Appeals unless it finds that:
    - [1] There are special circumstances and conditions, fully described in the findings, applying to the land structure or building for which the variance is sought, which circumstances or conditions are peculiar to such land structure or building and do not apply generally to land structures or buildings in the neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land structure or building.

- [2] For reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance that is granted by the Board is the minimum variance that will accomplish this purpose.
  - [3] The granting of the variance will be in harmony with the general purpose and interest of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (b) In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

C. Procedure.

- (1) The Board of Appeals shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing. Every appeal and application shall refer to the specific provisions of this chapter involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- (2) Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk by case number, under one or another of the following headings: interpretation, special permits or variances; together with all documents pertaining thereto. The Board of Appeals shall notify the Town Board and the Planning Board of each special permit and each variance granted.

**§ 76-21. Amendments.<sup>14</sup>**

Adoption procedure for amendments to this chapter shall be as provided in §§ 264 and 265 of the Town Law.

**§ 76-22. Penalties for offenses.<sup>15</sup>**

Any person violating any of the provisions of this chapter shall be punishable as provided in § 268 of the Town Law.

**§ 76-23. Complaints. [Amended 7-7-1998 by L.L. No. 2-1998]**

Whenever a violation of this chapter occurs, any property owner of record may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Town Clerk, who shall properly record such complaint and immediately refer it to the Land Use Inspector, who shall investigate and submit a written report to the Town Clerk within 10 days of the complaint being filed with the Town Clerk. The Town Clerk shall thereafter submit the written report to the Town Board at its next regular meeting.

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<sup>14</sup> Editor's Note: Amended during codification, see Ch. 1, General Provisions, Art. II.

<sup>15</sup> Editor's Note: Amended during codification, see Ch. 1, General Provisions, Art. II.

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