

TOWN OF NEWPORT

DIFFERENCES BETWEEN CURRENT ZONING ORDINANCE AND PROPOSED ORDINANCE DATED 10/19/2023

Article I General Provisions

- 1.3.1 Permits Required (new)
- 1.3.2 Certificate of Compliance Required (new)
- 1.3.3 Completion of Existing Buildings and Structures (new)
- 1.4 Enforcement (new)

Article II Definitions

2.2 Related Regulations (new)

2.3 Definitions

Accessory Building – wording added to include “any addition to building or mobile home which includes awnings, carports, porches, storage cabinets, and similar appurtenant structures”.

Area of Lot or Site – wording added “Lot area does not include that area within a public road ROW”

Broadcasting Studio - Definition Added

Codes Officers, Codes Enforcement Officer – Replaces definition of Zoning Officer

Concentrated Animal Feeding Operation (CAFO) – Definition Added

Dwelling, Accessory Unit (ADU) – Definition Added

Dwelling, Two-Family – Definition Added

Easement/Right of Way – Definition Added

Educational, Religious or Philanthropic Institution – Definition Added

Environmental Assessment Form (EAF) – Definition Added

Farm – Change in definition (10 acres or more language removed)

Funeral Home/Mortuary- Definition added

Greenhouse – Definition Added

Home Occupation – Language added for use of home as administrative office

Home Based Business – Change in definition with chart of sizes of Home Based Business and requirements

Industrial – Language added “Includes but is not limited to a dry-cleaning plant.”

Junk Yard – Language added “Includes the area of any parcel of land or water used or intended to be used for the placement, storage, or deposit of junk.”

Keyhole Lot – Added “Also known as ‘Flag Lot’. Illustration of Keyhole Lot added

Lot - Illustration added of basic lot dimension definitions

Lot, Area – Added “the front lot line is the edge of the road right-of-way”

Lot, Frontage – definition added with illustration

Lot Coverage – definition added

Lot, through – definition added

Lot, undersigned – definition added

Manufacturing – language added “Includes printing or publishing plant”

Medical Services/Hospital – definition added

Mining – language added “Includes Commercial Quarrying” “...digging or drilling of well for purposes of exploring for, developing, or producing natural gas, petroleum or other subsurface hydrocarbons.”

Mobile Home – “Single-Wide” added

Modular – “Double-Wide” added “considered the same as a single-family dwelling”

Plot – language added “considered the same as “LOT”

Pond – definition added

Professional or Business Office – definition added

Project Site – definition added

Public Park – language added to definition to include playgrounds, sports fields and public swimming pool facilities

Public Utility Station – definition added

Restaurant – “Drive-in” added. “Includes diners”

Retail Store, Shop – Added “Includes non-motorized recreational vehicle sales and service (bicycles, kayaks, canoes, floats)”

Sawmill, Commercial – Definition added with chart of requirements for small, medium and large operations

Service Building – Added “Allowed as an accessory use at a campground”

Shopping Center – Definition added

Sign Area – Illustration added of basic sign type areas.

Slaughterhouse, Commercial – Definition added

Small Wireless Facility (5G) – Definition added

Solar Energy Systems and Facilities – New Definitions added to include Roof-Mounted, Building-Mounted, Building-Integrated, Ground-Mounted, and Solar Energy Facility

Stable – Language added “includes stable used to keep horses for remuneration, hire or sale”

Tower – Definition added including radio tower, transmitting or receiving antenna, cell tower, water tower, 5G and similar structures

Vehicle Sales and Rental – definition added

Zone – definition added

The following definitions were included in prior ordinance but not included in proposed ordinance:

Agricultural Data Statement

Alley

Asphalt Plant

Auto Wrecking

Building Line

Common area

Coverage

Dependent Unit
Firewood Processor
Fire Prevention Authority
Garage, Public
Garage, Storage
Grade, Established
Health Authority
Independent Unit
Junkyard, automobile
Mineral
Natural Gas
Non-Waterborne Systems
Nursery School
Rural Service Shop or Use
Sewer Connection
Sewer Riser Pipe
Shoreline
Theater, Outdoor
Tourist Home
Water Connection
Water Riser Pipe

Articles III – Zones and Boundaries

3.1 Added language “The official zoning map, this ordinance, and associated forms are available on the Town of Newport website”

3.3 Added language “These regulations do not apply to agricultural uses specifically regulated and allowed under New York State Agriculture and Markets Laws and Regulations.

Article IV – Use Regulations

Illustrations added for R-1, R-2, R-M, A, B-1, B-2, B-P, and R-P zoning districts with detailing permitted or special use permit requirements and minimum lot, height and yard requirements

Article V - Area and Height Regulations

5.4.1 Type – the words “accessory dwelling unit (ADU)” added

5.4.4 Size – language added “Maximum size of non-agricultural accessory building shall not exceed that of the primary structure on a lot”

Article VI – Events

Language added “An Event term is limited to 5 days or less with a maximum of 4 events per property or promoter, per year, ...”

6.1.2 Classification – Class 3 added language “potential significant impact (meeting 1 or more factors above...and review required to determine if mitigation measures will be sufficient)”

6.1.3 Zone Restrictions – adds illustration for event type and where permitted, not permitted or subject to special use

Also adds language “B-P and R-P events are allowed based upon the strictest adjacent zone within 500 feet of the proposed event location, if non then same and B-2 zone”

6.3 Enforcement and Compliance with Permit - “The Newport Town Codes Officer is authorized to enforce the provisions of the event permit. If the Codes Officer determines that any of the items as a condition of the permit are not adhered to prior to the completion of the event, then the permit will be revoked, and the event will be deemed to be non-compliant with these regulations subject to penalties described in Article 13.5”

[6.3 of current ordinance “Application Process” and 6.4 “Site Plan” were omitted from new ordinance]

Article VII – Supplementary Regulations

7.4 Home Based Business – requirements added for special use permit

7.5 Performance Standards – additional regulations added for Planned Business Zone, Special Use and Home-Based Businesses.

7.6 “Mining” added to “Excavation and Grading”

7.8 Signs – “General Sign Requirements” added

7.9 Septic Systems – language added “Alternative type systems require approval of NYS Health Dept. All system larger than 1000 gpd require DEC approval and DEC SPDES permit”

7.10 On-Site Wind and Communications Structures added to require permit from codes officer and must meet state and local building codes, etc.

7.11 Solar Energy Systems and Facilities – New language replacing old Solar provision (7.12 in current ordinance)

7.13 On Site Storage – added “no open storage of junk is permitted on a residential lot...”

7.14 Wetlands – added

7.15 Floodplains – added

7.16 Storm Water Management – added

7.17 Ponds – added

7.18 Road Standards – added

7.19 Small Cell Wireless – added

[Drive-In Food Services; Residential Living Area Requirements; Prohibited Uses (not even by variance); and SEQRA – in current ordinance omitted from new ordinance]

Article VIII – Off-Street Parking and Loading

“Handicapped accessible parking spaces shall be provided in accordance with ADA guidelines”
language added

Article X – Application and Review Process (*New Section added)

10.1 Application Process Overview (new)

10.2 Permitted Uses – application requirements, etc (new)

10.3 Special Use Permits – application requirements, etc (use)

10.4 Variances – application requirements, etc (new)

10.5 Zone Change Applications – application requirements, etc (new)

Article XI – Review and Decision Making Bodies (*New Section added)

Powers and Duties of Town Board, Code Enforcement Officer, Zoning Board of Appeals, and Planning Board detailed

Article XII – Amendments

Provides for proposed amendment or change to follow process in Article 10.5

Article XIII - Miscellaneous

13.5 Violations and Penalties – adds penalties for event violations.