

TOWN OF SPRINGWATER
PROPOSED Local Law # 1 of 2026
Town of Springwater, County of Livingston

LAND USE ORDINANCE OF THE TOWN OF SPRINGWATER

Authority.

This Local Law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(11) that grants to local governments the authority to enact local laws regarding the protection and enhancement of its physical and visual environment.

Supersession.

This local law supersedes, repeals and replaces Town of Springwater Local Law #1 of 2001 and Local Law #1 of 1988 in its application to lot sizes and uses.

Legislative Purpose

This local law shall provide for a minimum lot size for both those land parcels that fall within the water and sewer district of the hamlet of Springwater and for those parcels that are outside of said water and sewer district respectively.

This local law shall set the minimum distances of all new residences, structures and fences, as well as address those in existence at the time of this law passing. This shall also encompass any and all septic tanks, tile fields, wells, and watercourses from one to the other and from the boundaries of lots.

This law shall apply to any and all structures, including mobile and or manufactured structures whether permanently or temporarily situated on lots, in the Town of Springwater.

This law is necessary for the promotion of the health, welfare and safety of the inhabitants and residents of the Town of Springwater because the soil has generally poor percolation and permeability characteristics, the nature of the Town is rural, population is sparse and a widely spaced rendering a sewer system economically unfeasible, and a lot with ample area is required for both an adequate septic system and water well system in addition to continuation of the rural nature of the township.

Word Usage, Interpretation

For the purpose of this law, all words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "shall" is mandatory and directory. The word "may" is permissive. The word "used" includes "designed, intended or arranged to be used."

In interpreting, construing and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the protection of the public health, safety, convenience, prosperity and general welfare of the public. It is not intended that this ordinance shall interfere with or abrogate or annul any easements, covenants or other agreements between parties; however, where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or by such easements, covenants or agreements, the provisions of this chapter shall

control.

Definitions

For purposes of this local law, the words and terms hereinafter listed shall be defined as follows:

ACCESSORY BUILDING

A subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

ACCESSORY USE

A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

ALTERATIONS

As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL

Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders.

APPEALS BOARD

The officially established Board of Appeals of the Town of Springwater.

BASEMENT

A story partly underground and having more than 1/2 of its floor-to-floor height above the average level of the finished grade of the building

BUILDING

Any structure having a roof supported by columns, piers or walls, including tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels, and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING AREA

The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

BUILDING HEIGHT

The vertical dimension measured from the average elevation of the finished lot grade of the building to the highest point of the roof for flat roofs; to the deckline of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE

A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line

BUILDING PERMIT

an official finding that a planned use of property as indicated by an application complies with the requirements of this ordinance or meets a special condition of a variance.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

A certificate issued by the Building Inspector upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this chapter, the New York State Uniform Fire Prevention and Building Code and other provisions of the Code of the Town of Springwater, as well as such adjustments thereto granted by the Board of Appeals.

CURB LEVEL

The mean street grade established by the Town or, in the absence of an established grade, the mean level of the existing curb or of the lot at the street line.

DWELLING

A building or portion thereof used exclusively as the residence or sleeping place of one or more persons.

FARM BUILDING

Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with and necessary to the operation of the farm, as defined by this article. The term "farm building" shall not include "farm dwelling."

FENCE

An artificially constructed barrier of wood, masonry, stone, wire, metal or any other material, including plantings or combination of materials erected for the enclosure of yard areas.

FRONTAGE

The side of a lot abutting on a street, measured along such street or right-of-way.

FRONT YARD

An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of such main building.

GARAGE, PRIVATE

A secondary building used in conjunction with a primary building which provides for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

INOPERABLE MOTOR VEHICLE

A motor vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. An inoperable motor vehicle shall be considered unlicensed when it is required to be licensed, registered, or otherwise approved to be operated under state or local law, ordinance, or other regulation, and said license, registration, permit, or other approval has not been properly maintained.

LAWN

A lawn is an area of soil-covered land planted with grass that is kept short, to a maximum of six (6) inches in height, using a mower. It usually surrounds a house, or sits inside a park or garden, and people use it for looks or play.

LOT

A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

LOT AREA

An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

LOT, CORNER

A parcel of land at the junction of and fronting on two or more intersecting streets.

LOT COVERAGE

That portion of the lot that is covered by buildings, structures and impervious surfaces such as sidewalks, driveways and other paved areas.

LOT DEPTH

The horizontal distance between the front and rear lot lines, measured at right angles to the front lot line. For lots where the front and rear lot lines are not parallel, the lot depth shall be the mean distance between the front and rear lot lines.

LOT, FLAG

A lot configured such that the building site portion of the lot does not front on or abut a road, and access to the road is by a strip of the lot which is a minimum of 60 feet in width. Also, called a "pipe stem" or "pan handle" lot due to its shape. When appropriate, setbacks are measured from the lot lines which define the rear or flag portion of the lot, not from the lot lines along the stem or handle portion.

LOT LINES

The property lines bounding the lot. In the case of a lot abutting on more than one street; the owner may elect any street lot line the front lot line. The rear line shall be the lot line most distant from the front lot line.

LOT, THROUGH

An interior lot having frontage on two parallel or on two streets which do not intersect at boundaries of the lot.

LOT WIDTH

The horizontal distance between the side lot lines measured at right angles to the lot depth at the building line; or the mean distance between the side lot lines within the buildable area.

MANUFACTURED HOME

A structure built on a permanent steel chassis and designed for transportation in one or more parts (i.e., double-wide) after fabrication, to a site where it is to be occupied complete and ready for single-family occupancy on permanent foundation with connection to required utilities. Manufactured homes are subject to the Local Law governing Manufactured housing.

MODULAR HOME

A dwelling constructed from two or more conventionally built factory fabricated transportable building units which are designed to be permanently incorporated with similar units at a building site on a permanent foundation. Such dwelling meets or exceeds New York State Uniform Fire and Building Code standards for single-family, two-family or multiple-family dwellings, and contains a New York State inspection seal, as appropriate to the intended use.

NONCONFORMING BUILDING OR STRUCTURE

Any building or structure lawfully existing at the time of adoption of this chapter or revision or amendment hereto which does not conform with the minimum width, depth, and area dimensions specified for the district in which said building or structure is located by reason of such adoption, revisions or amendment.

NONCONFORMING LOT

A lot of record the size, dimensions or location of which was lawful at the date of the passage, revision or amendment of this chapter, but which fails by reason of such passage, revision or amendment to conform to the present requirements of the zoning district.

PRINCIPAL BUILDING

A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

REAR YARD

An open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

RIGHT-OF-WAY

The line determining the street or highway public limit or ownership.

SETBACK

The required minimum distance from the street right-of-way line to the nearest point of the main or accessory structure.

SEPTIC SYSTEM

shall mean the septic tank together with the tile field to which sewage is distributed for infiltration to the soil. Septic systems are found outside of and not connected to, the Town of Springwater Sewer System.

SEWER DISTRICT

any district organized to acquire any sewer project for the purpose of providing sanitary sewers, treatment facilities, disposal plant or other treatment and disposal works, and appurtenant facilities, or storm sewers, flood and surface drainage works, and appurtenant facilities, or providing both such sanitary and storm sewers, works and facilities, and providing all necessary, proper or desirable equipment and appurtenances incident thereto;

SIDE YARD

An open space extending from the front yard to the rear yard between any building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of any building.

STREET

A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE

That line determining the limit of the highway rights of the public, either existing or contemplated.

STRUCTURE

Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

TILE FIELD

The present or future leach lines of a septic system.

VARIANCE, AREA

A departure from the setbacks, frontage, coverage, size or other requirements of the applicable area, or a departure from any provision of this local law.

WATERCOURSE

Every spring, pond, stream or channel which flows, or may flow into or from any lake in the Town of Springwater.

WATER DISTRICT

A special district which supplies water for domestic and other public and private purposes by any available means and provides all necessary or proper reservoirs, treatment works and facilities, equipment, and appurtenances incident thereto.

WATER DISTRICT USER

Those properties located within the boundaries and service of the Town of Springwater Water District that are required at a minimum to be connected to said system to provide for domestic water

WATER WELL SEPTIC SYSTEM SEPARATION

Distance between components as required by Public Health Law 201(1)(I) Appendix 75-A

WATER WELL

An excavation that is drilled, cored, bored, augured, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer.

SCOPE OF REGULATIONS

All buildings erected hereafter, all uses of land or buildings established, and all structural alterations or relocation of existing buildings occurring hereafter shall be subject to all regulations of this local law which is applicable to the districts in which such buildings, uses or land shall be located.

NONCONFORMING BUILDINGS, STRUCTURES, LOT ANY DISTRICT

The lawful use of any building or land existing at the time of the enactment of this Local Law may be continued although such use does not conform with the provisions of this Local Law.

A nonconforming use shall not be enlarged and the buildings or premises shall not be reconstructed or structurally altered, without the issuance of both a permit by the Code Enforcement Officer and a Variance by the Board of Appeals, and unless the altered or enlarged portion shall be changed to conforming use, and once so changed, shall not be changed back to a nonconforming use.

Whenever a nonconforming use has been discontinued for a period of one year, the use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Local Law.

GENERAL REQUIREMENTS ANY DISTRICT

1. Area width and yard requirements. Existing lots are prohibited from subdivision to a reduction in size below the minimum requirements for the purpose of creating a building lot.
2. No lot shall have erected upon it more than one principal building.
3. No yard or other open space provided about any building for the purpose of complying with the provisions of this local law shall be considered to provide a yard or open space for any other building.
4. All household furnishings manufactured and intended for interior use shall not be used or located in front yards, exterior side yards or any porches, decks or patios that are not weathertight. There shall not be any excessive long-term storage or accumulation of personal or interior household belongings to be visible from the street frontage.
5. Not more than one (1) inoperable motor vehicle shall be parked, kept or stored on any premises for a period of more than sixty (60) days unless parked, kept or stored inside a structure or similarly enclosed area designed and approved for such purposes. No motor vehicle shall at any time be in a state of major-disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.
6. No camping trailers, utility trailers, motorized camping vans or similar vehicles wherever located on the premises, shall be connected to municipal services nor shall any vehicle be used as a dwelling while stored on the premises for a period longer than 180 days in a calendar year.

7. All lawns shall be kept in a neat and orderly fashion. Grass shall not exceed a height of six (6) inches maximum.

Outside Sewer and Water District area.

1. It shall be unlawful for any person to build or maintain a new dwelling or structure on a lot less than two (2) acres outside of the Town of Springwater Water and Sewer District.
2. No such building lot shall have a lot width nor a depth of less than 180 feet.
3. No dwelling or structure, and no part of the same, shall be nearer than twenty-five (25) feet to the right-of-way of any State, County, or Town highway or to any private right-of-way.
4. All septic systems and other septic installations shall be governed by the permit process required through the Livingston County Health Department or its lawfully appointed successor. A copy of the septic permit shall be filed with the Town of Springwater Code Enforcement Office.
5. No water well shall be nearer than twenty-five (25) feet to the right-of-way of any State, County or Town highway or to any private right-of-way.
6. No water well shall be nearer than ten (10) feet to any side or rear lot boundary.
7. No water well shall be nearer than one-hundred (100) feet to any tile field or septic system.

Inside Sewer and Water District area.

1. No new building lot shall have a lot width of less than one hundred (100) feet nor a depth of less than 100 feet.
2. No new dwelling or structure, and no part of the same, shall be nearer than twenty-five (25) feet to the right-of-way of any State, County, or Town highway or to any private right-of-way.
3. No new dwelling or structure, and no part of the same, shall be nearer than ten (10) feet to any side or rear lot boundary.
4. No new dwelling or structure, and no part of the same, shall be nearer than ten (10) feet to any other dwelling or structure located on the same lot.
5. All houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes shall be connected to the Town of Springwater Water System and the Town of Springwater Sewer System by way of town regulated connections. These connections are mandatory and shall be at the owner's expense.
6. Any new lot created within the district shall be subject to the debt taxes for that district, if any.
7. Any dwelling or structure erected on any lot in the district shall be subject to all of the rules and regulations of the Water and Sewer districts for the Town of Springwater.
8. Creation of additional dwelling units within the district shall be subject to the approval of the Planning Board of the Town of Springwater, the Town Board of the Town of Springwater and the Water or Sewer District Superintendent.
9. A signed easement, allowing access by the Town of Springwater personnel and/or the towns legal representatives, is required prior to construction of any structure or dwelling on any legal lot within the district.
10. The following new uses are specifically prohibited within the district due to lot size reductions:
 - a. Junkyards.
 - b. Kennels.
 - c. Windmills
 - d. Freestanding outside solid-fuel-burning furnaces.

FENCES ALL DISTRICTS

General requirements. The following requirements shall apply to fences throughout all districts in Town, unless otherwise stated:

1. Fences shall have their finished/decorative side facing toward the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
2. No fences shall be constructed, established or built-in excess of six feet in height, with the exception of fencing for tennis or similar recreation courts, which may be up to 12 feet in height.
3. The height of all fences shall be measured from the average finished grade at the base of the fence.
4. Fences six feet or lower in height are exempt from the setback requirements of the lot on which they are located. For fences greater than six feet in height (e.g., tennis or recreation courts), the setback requirements of the lot on which they are located shall apply. There shall be an additional one-foot setback for every one foot in height exceeding the first six feet.
5. No fence over four feet in height shall be constructed in the front yard of any lot, except for decorative posts on said fence, which may be no more than 12 inches in excess.
6. Fences incorporating barbed wire, electric current, or similar material or devices shall be allowed only when necessary for agricultural or public utility operations and, unless part of an agricultural operation, shall be subject to a minimum ten-foot setback.
7. Fences expressly designed with the intent to maim or injure prospective intruders are prohibited except as specifically authorized above.
8. Fences shall be properly maintained and shall not be permitted to fall into disrepair.
9. If a fence is to be located on a corner lot, the following provisions shall additionally apply: No solid fences over 24 inches in height shall be permitted in the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are 25 feet in distance from the point of intersection measured along the street lines. Measurement of height shall be from the grade of the abutting top of curb or from the crown of the abutting road, whatever is lower. Only split-rail fences, cyclone fences, chain-link fences or other similarly open fences are permitted in the triangular area, provided they do not otherwise create a traffic hazard or block visibility.
10. No fence shall be erected upon or otherwise encroach upon a public right-of-way. No fence shall be erected that will create a safety problem for people using the public right-of-way. Fences adjacent to driveways and roadways shall not obstruct the vision of operators of motor vehicles traveling on the same.
11. Unless otherwise specified, fence materials for fences or portions of fences may be fully opaque.
12. The Planning Board, as part of a review process, may require a fence or other screening to shield adjacent residences or other uses from undesirable views, noise, or light.
13. Any legally existing fences pre-dating this section shall be protected as a preexisting nonconforming use so long as they are not enlarged or expanded.
14. All property owners and/or users of a said property shall be responsible for the care, safety and confinement of all domestic pets of the household and livestock in their charge. All operations shall provide adequate fencing and gates to confine domestic pets of the household and livestock in a safe and responsible manner. The public needs to be protected from domestic pets of the household and livestock that may cause bodily harm and/or property damage if the animals venture off the property they are housed on. Therefore, any and all animal control laws that

require domestic pets of the household and livestock to be confined and not "run at large" without restraint, confinement or supervision, are reasonable and help to protect public health and safety.

REGULATIONS FOR PRESERVATION OF NATURAL FEATURES

No structure shall be built within 50 feet of the bed of a stream carrying water on an average of six months of the year, or on land subject to periodic overflow.

No persons, firm or corporation shall strip, excavate, or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto, except as hereinafter specified.

Any area of land having an area of more than one acre from which topsoil has been removed or covered over by fill, such area shall be seeded to provide as effective cover crop within the first growing season following the start of said operation.

No excavation in conjunction with the construction or structural alteration of a building and/or adjacent land areas to serve said construction shall be commenced without a permit issued by the Code Enforcement Officer

PENALTIES FOR OFFENSES

Any person, firm, company or corporation owning, controlling, occupying or managing any building, structure or premises therein or where shall be placed on or there exists anything in violation of any of the provisions of this Local Law and any person, firm, company, organization, department, public entity or corporation who shall assist in the commission of any violation of this Local Law or any conditions imposed by the Planning Board or the Board of Appeals or who shall build contrary to the plans or specifications submitted to the Code Enforcement Officer and by him certified as complying with this Local Law and any person, firm, company, organization, department, public entity or corporation who shall omit, neglect or refuse to do any act required by this Local Law shall be guilty of an offense and subject to a fine of not more than \$250 per day or to imprisonment for a period of not more than 10 days, or both, and in addition may be ordered to pay all costs and expenses involved in the case. Every such person, firm, company, organization, department, public entity or corporation shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.

In case of any violation of any of the provisions of this Local Law, or conditions imposed by the Planning Board or Board of Appeals, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Any violation of this Local Law occurring on any premises shall be deemed a violation of all owners of the premises as well as all persons occupying the premises and all persons legally entitled to possession thereof.

In addition to all other remedies allowed, each person who violates any portion of this Local Law shall owe to the Town of Springwater all legal fees, court costs and disbursements incurred by the Town to enforce this Local Law and cure each said violation.

SEVERABILITY

If any clause, sentence, paragraph, section or a part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or a part thereof directly involved in a controversy in which such judgment shall have been rendered.

INTERPRETATION

This local law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect. Whenever the requirements of this local law are at variance with the requirements of other lawfully adopted rules, regulations or laws, the law with the most restrictive provisions or those imposing the higher standards shall govern.

WHEN EFFECTIVE Date

This local law shall take effect immediately upon filing with the Secretary of State.

Dated:

Moved by:

Seconded by:

Certified By:

Springwater Town Clerk

Approved on Roll Call as Follows:

Supervisor Deborah Babbitt Henry	Aye	Nay	Abstain
Deputy Supervisor Tracey Proctor	Aye	Nay	Abstain
Councilman Timothy Haywood	Aye	Nay	Abstain
Councilman Thomas Canute Jr	Aye	Nay	Abstain
Councilman Lawrence Gnau	Aye	Nay	Abstain