

ZONING LOCAL LAW

TOWN OF BOVINA, NEW YORK



ADOPTED BY THE BOVINA TOWN BOARD: October 7, 1993

AMENDED: March 7, 1996

June 28, 2001

April 16, 2007

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ARTICLE 1. AUTHORITY, TITLE, PURPOSE, SCOPE

1.01 Authority

Pursuant to the authority conferred by the Municipal Home Rule Law and the Town Law of the State of New York, the Town Board of the Town of Bovina, New York, hereafter referred to as the Town Board, hereby adopts and enacts as follows:

1.02 Title

This Local Law shall be known and may be cited as the "Town of Bovina Zoning Local Law".

1.03 Purpose

The provisions of this Local Law shall be held to be the minimum requirements adopted to promote the health, safety and general welfare of the Town of Bovina. These regulations are intended to achieve the following purposes:

- A) Promote orderly development in accordance with a comprehensive plan.
- B) Protect the rural agricultural and scenic character of the Town.
- C) Preserve the architectural character of the Town and particularly the hamlet of Bovina Center.
- D) Preserve the Town's natural resources, particularly the water supply.
- E) Provide for the controlled growth of residential and commercial use of land consistent with the economic and social needs of the community while respecting existing land uses.
- F) Promote the health, safety and general welfare of the community consistent with the objectives of Article 16 of the Town Law.

1.04 Scope

These regulations shall apply to the construction, installation or alteration of any building or structure and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Bovina.

1.05 Separability

Should any section or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional.

1.06 Effective Date

This Local Law, and any amendment, shall be effective upon filing with the Secretary of State.

1.07 Periodic Review

The Town Board shall comprehensively review this Local Law periodically. Periods between such reviews shall not exceed five (5) years. The Town Board shall consult with the Planning Board, Zoning Board of Appeals and Zoning Administrator in conducting this review.

1.08 Fees for Permits

The Town Board may, by resolution, establish fees for permits and actions under this Local Law, including amendments; special use permits, zoning permits, site plan review, variances, appeals, temporary permits, etc.

ARTICLE 2. ESTABLISHMENT OF DISTRICTS

2.01 Zoning Districts

The Town of Bovina is divided into the following districts:

- GR General Rural
- H Hamlet

2.02 Zoning Map

- A) The locations and boundaries of the zoning districts are as shown on the map entitled "Town of Bovina, N.Y., Zoning Map", which is on file at the Town Clerk's Office.
- B) Amendments to district boundaries shall be promptly shown on the Official Zoning Map located in the Town Office at the time of such amendment.

2.03 District Boundaries

In determining the boundaries of districts shown on the map, the following rules shall apply:

- A) Where district boundaries are indicated as approximately following the centerlines of streets, highways, waterways, or utility rights-of-way or such lines extended, such centerlines shall be construed to be such boundaries.
- B) Where district boundaries are indicated as approximately following property lines, such lines shall be construed to be such boundaries.
- C) In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination in accordance with the procedure of Article 8 (Zoning Board of Appeals).

ARTICLE 3. DISTRICT REGULATIONS

3.01 General Rural (GR) District

A) Purpose:

This District is intended to provide for a wide range of potential land uses and lot sizes. At the same time, this District is intended to protect the rural atmosphere and environmental features of the Town. The average density provisions of this District establish a seven (7) acre average density, allowing one building lot for each seven (7) acres. By allowing lot size averaging and encouraging clustering of lots, smaller lots will be allowed as long as compensating land is set aside elsewhere as permanent open space. This compensating land maintains the seven (7) acre average density and allows better development land to be used more effectively and wisely.

B) Permitted Uses: See Schedule of Use Regulations (pg. 33)

C) Uses Permitted By Special Permit: See Schedule of Use Regulations (pg. 33)

D) Lot Size and Density Requirements:

- 1) Average density shall be one building lot for each seven (7) acres of gross parcel acreage.
- 2) Minimum lot size shall be two (2) acres, provided average density requirements are met.
- 3) Minimum lot size for a lot containing a pre-existing principal structure shall be one acre, provided average density requirements are met.
- 4) As an exception to subsection one (1) above, parcels of less than fourteen (14) acres but more than five (5) acres, as they may exist on the date of adoption of this Local Law, may be subdivided to provide two (2) building lots.
- 5) Pre-existing lots that do not meet the requirements of this subsection are grand fathered in accordance with Section 6.03 (C).

E) Other Dimensional Requirements:

The following dimensional requirements shall apply to all lots and structures in the GR District (larger setbacks and frontages may be required in a case by case basis if these minimums prove insufficient during subdivision or site plan review):

1) Setback minimums:

a) For principal structures:

- Front setback on Town Road..... 65-feet from centerline
- Front setback on State or County Road 35-feet from edge of right-of-way
- From side and rear lot lines 35-feet

b) For accessory structures:

- Front setback same as for principal structure
- Side and rear setbacks..... 10-feet

2) Lot frontage minimum:

	Standard Lot	(Cul-de-Sac Lot)
Lots less than two acres	100 ft.	(50 ft.)
Lots two to five acres	175 ft.	(75 ft.)
Lots of five acres or more	260 ft.	(100 ft.)

3) Maximum building height: Forty (40) feet

4) Maximum lot depth to width ratio: 5 to 1
(Applies only to lots less than ten (10) acres in size; rectangular lots may need more than the minimum frontage to comply with 5:1 ratio).

F) General Regulations:

1) Steep Slope Preservation:

Subdivisions, site plans and special permits shall be held to the standard that land disturbing activities, including construction of roads and structures, must avoid slopes of 25% and greater to the maximum extent practical.

2) Water Protection:

Construction activities within one hundred (100) feet of a N.Y.S. Department of Environmental Conservation designated protected stream or D.E.C. designated freshwater wetland shall obtain any necessary permits from the D.E.C. before proceeding.

3) Allocation of Disclosure:

Subdivision plats approved by the Planning Board after the effective date of this Local Law, shall include a notation, in a form suitable to the Planning Board, which indicates how many lots may be subdivided further from each lot in the subdivision. The subdivider shall also provide the Planning Board with a duly sworn affidavit setting forth how many lots may be subdivided further from each parcel resulting from the subdivision. The affidavit shall further state that, prior to the conveyance of any such parcels, the grantor will furnish a copy of the affidavit to the grantee.

3.02 Hamlet (H) District

A) Purpose:

The purpose of this district is to provide for orderly growth and development on small lots in and around the existing Hamlet of Bovina Center. Since no central sewage treatment is available, lot sizes are based on septic system requirements. This district will permit development to occur in a pattern similar to the established traditional patterns, such as short front setbacks.

B) Permitted Uses: See Schedule of Use Regulations (pg. 33)

C) Uses Permitted by Special Permit: See Schedule of Use Regulations (pg. 33)

D) Lot Area, Yard and Height Regulations:

1) Minimum lot size:

- a) Lot suitable for standard trench or bed septic system: one-half (1/2) acre;
- b) Lot suitable for shallow trench septic system: one (1) acre;
- c) Lot suitable for alternative raised (engineered) septic system: two (2) acres.
- d) Pre-existing lots that do not meet the requirements of this paragraph are grand fathered in accordance with Section 6.03 (C).

2) Minimum frontage: One hundred (100) feet

3) Front setback: Sixty (60) feet from road centerline or the average between two adjoining buildings on each side of the lot; no principal building shall be set back more than 100 feet from road centerline.

4) Minimum side setback: Fifteen (15) feet for principal structures; Three (3) feet for accessory structures.

5) Minimum rear setback: Fifteen (15) feet for principal structures; Three (3) feet for accessory structures.

6) Maximum building height: Forty (40) feet.

7) Minimum building height: one and one-half stories above foundation for the principal building on the lot.

ARTICLE 4. REGULATIONS FOR ALL DISTRICTS

4.01 Height of Structures

- A) General Exception: The height limitations of these regulations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary poles, monuments, silos and other agricultural buildings, radio and television antennas and similar structures.
- B) Other structures higher than forty (40) feet may be permitted by site plan/special use permit.

4.02 Temporary Uses and Structures

- A) The Planning Board may by resolution authorize the Zoning Administrator to issue a temporary permit for incidental and nonconforming uses as follows:
 - 1) Temporary uses incidental to a construction project; such uses and structures may include the storage of building material and equipment;
 - 2) Temporary real estate sales office for the sale of property on the premises;
 - 3) Other similar temporary incidental uses.
- B) Permit shall be conditional upon agreement by landowner to remove use on expiration of permit. Such permit shall be authorized for a period of one (1) year and may be extended for two similar periods when the Zoning Administrator finds that such work has been diligently pursued.

4.03 Home Occupations

- A) An area equivalent to no more than 50% of the floor area of the dwelling shall be used for the occupations. Such area may be within the dwelling, in an accessory building outdoors or a combination thereof, provided, however, that no more than 25% of dwelling itself may be used for home occupation.
- B) Outdoor storage of products and materials is permitted, provided it is not stored in the front yard. In Hamlet District, outdoor storage is limited to occupying no more than five hundred (500) square feet of land area.
- C) The occupations shall be carried on by the occupant of the dwelling, and not more than two persons outside the resident household shall be employed in the occupations or as assistants.
- D) There shall be no exterior display or sign except as permitted under Section 4.12, Signs.
- E) The occupations shall not produce any toxic emission in sufficient quantity to cause harmful effects. The occupation shall not produce noise, smoke, dust, heat or electrical interference

or glare that is offensive to normal sensory perception outside the structure between the hours of 10 P.M. and 6 A.M.

- F) Any need for parking generated by the occupations shall be met off the street and in accordance with the regulations of this Local Law. This requirement does not apply in Hamlet District.
- G) No more than two (2) vehicles used primarily for the occupations shall be routinely parked on the property.
- H) Businesses that do not exceed these standards are allowed without Planning Board approval. Businesses that exceed these standards are allowed after obtaining approval of the Planning Board, unless exempted from review or disallowed by the Schedule of Uses.

4.04 Accessory Apartments

- A) Apartments accessory to the principal permitted use of a building are permitted in all districts, subject to the regulations and standards set forth below. It is the intent of this provision to allow more efficient use of buildings; to expand rental-housing opportunities in the Town, particularly for small families. In furtherance of these objectives, a second dwelling unit is permitted in association with a new or existing residential building, subject to the following conditions, provided the principal dwelling is or will be owner occupied.
- B) Size and Location of Structure: An accessory apartment shall be located in the principal dwelling, provided that such principal dwelling contains a minimum of one thousand six hundred (1,600) square feet of habitable space, or in a permitted accessory structure which existed at the time of enactment of this Local Law.
- C) Lot Size: The lot must be no smaller than the minimum lot size of the District in which the building is located.
- D) Number of Accessory Apartments and Dwelling Units: There shall be no more than one (1) accessory apartment per residential building under this Section.
- E) Accessory apartments shall not be considered dwelling units and will not require their own lots. Dwelling units with accessory apartments shall have the same lot size requirements as dwellings without accessory apartments. The minimum habitable area requirement of Section 4.11 does not apply to the accessory apartment.
- G) Accessory apartments are permitted only in single-family detached dwellings.

4.05 Parking and Loading Regulations

Off-street parking and loading spaces shall be provided at the time a new use is established subject to special permit/site plan review.

A) All parking spaces shall measure at least nine (9) feet wide and eighteen (18) feet long. The number of off-street parking spaces shall be determined by the Planning Board.

B) Location of Parking Spaces:

- 1) All required parking spaces shall be located within three hundred (300) feet of the use they are intended to serve.
- 2) Entrance or exit drives from parking areas shall not exceed thirty (30) feet in width and shall not be permitted within thirty (30) feet of the intersection of two (2) public rights-of-way.
- 3) Parking areas of five (5) or more vehicles in the Hamlet District shall not be permitted in the front yard.

C) The Planning Board may require off-street loading berths for commercial and industrial uses. The number, size and location of off-street loading berths shall be determined by the Planning Board.

4.06 Minimum Area Required for Principal Buildings

There shall be only one dwelling unit or principal building per lot, except that where a sufficiently large parcel exists, additional principal buildings may be established, provided each such structure has an identifiable land area which satisfies the lot area, average density, frontage and setback requirements of the regulations of the district in which it is located. Building permits shall not be issued until the Planning Board has determined that the application meets these requirements.

4.07 Flag Lots

Flag lots may be permitted by the Planning Board during the subdivision review process, where appropriate, to allow for the economical development of back land areas and only under the following conditions:

- A) The access strip of land shall be a minimum of sixty (60) feet wide.
- B) The minimum lot area, lot width and lot depth requirements shall be met exclusive of the land contained in the access strip.
- C) No buildings shall be constructed on the narrow access strip of a flag lot.
- D) No more than one flag lot shall be served by a single access strip.
- E) Access strips shall be a minimum distance apart of at least the minimum lot width in the zoning district.
- F) Access strip shall not be a right-of-way, but shall be owned in fee title by the owner of the flag parcel.

G) No more than one lot or 20% of the lots, whichever is greater, in a residential subdivision shall be flag lots.

4.08 Yard Maintenance

Large appliances (washing machines, stoves, refrigerators, etc.) and indoor furniture shall not be stored in front or side yards for more than thirty (30) days.

4.09 Parking and Storage of Camping Vehicles

- A) No camping vehicle shall be stored or parked within view from public roads or neighboring properties for more than thirty (30) days in any one (1) calendar year unless the Planning Board grants a special permit allowing longer parking or storage. Parcels of land with a permanent dwelling are exempt from this requirement.
- B) Camping vehicles parked or stored prior to the effective date of this section, as amended, shall be brought into compliance with subsection A, above, within one year. Camping vehicles not parked or stored prior to effective date must first comply with subsection A before being parked or stored in the Town.

4.10 Junk Yards

- A) The outdoor storage of any unregistered motor vehicles or unregistered travel trailers or camping vehicles no longer intended or in condition for legal use, or major portions of such vehicles and/or a comparable quantity of inoperable machines, implements, or appliances, is not permitted within the view from a public road or from a pre-existing residence on an adjoining property. All properties shall comply within twelve (12) months from the date of adoption of this Local Law, except commercial junkyards, which are subject to Article 6, Nonconformities.
- B) The outdoor storage of one or more uninhabitable mobile homes is not permitted.
- C) Inoperable agricultural equipment or machinery stored on an operating farm for future restoration or for use as a source of spare parts for other equipment in use on the farm shall not be subject to the provisions of this Section.

4.11 Minimum Habitable Floor Area

- A) Site-built and modular dwellings shall have a minimum habitable floor area of at least eight hundred (800) square feet per dwelling unit, except accessory apartments, which have no minimum size requirement.
- B) Mobile homes shall have a minimum of six hundred (600) square feet.
- C) No habitable rooms are permitted in basements of multi-family dwellings unless a separate outside entranceway is provided. Floor area of multifamily dwellings shall have a minimum of five hundred (500) square feet per unit.

4.12 Signs

A) Exempt Signs

Exempt Signs require no zoning permit. The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this Local Law.

1) Exempt Permanent Signs

- a) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, or names of occupants of premises
- b) Subdivision or multiple dwelling project name signs: One (1) nonluminous sign not to exceed sixteen (16) square feet in area per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or development name
- c) Flags and insignia of any government, except when displayed in connection with a commercial promotion
- d) Public signs: Signs of a public or noncommercial nature, which shall include community service information signs, public utility information signs, safety signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, and all signs erected by a public officer in the performance of a public duty
- e) One (1) on-premise sign, either free-standing or attached, in connection with any residential building in any zoning district, for home occupations, not exceeding four (4) square feet and set back at least ten (10) feet from the highway right-of-way. Such signs shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.
- f) One sign or bulletin board per street front, setting forth or denoting the name of any public, noncommercial, charitable, or religious institution when located on the premises of such institution, providing such sign or bulletin board shall not exceed twenty (20) square feet in sign area.

2) Exempt Temporary Signs

- a) Temporary nonluminous "For Sale", "For Rent" real estate signs and signs of a similar nature, concerning the premises upon which the sign is located. The total area of all signs shall not exceed thirty-two (32) square feet. All such signs shall be removed within seven (7) days after the sale, lease or rental of the premises.
- b) Temporary, nonluminous window signs and posters not exceeding twenty-five (25) percent of the window surface.

- c) Temporary signs for a roadside stand selling farm products grown on the premises in season, providing that such signs in total do not exceed thirty-two (32) square feet and are set back at least ten (10) feet from the public right-of-way.
- d) Private-owner merchandise sale signs for garage sales and auctions, not exceeding eight (8) square feet for a period not exceeding seven (7) days
- e) Political posters, banners, promotional devices and similar signs, not exceeding sixteen (16) square feet. Signs must be removed within ten (10) days after the event.
- f) One sign, not exceeding sixteen (16) square feet, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or repair is in progress.
- g) Special Event Signs, portable or otherwise, advertising special events for nonprofit organizations, such as fireman's field days, church bazaars, bake sales, etc. Such signs shall not be displayed for more than thirty (30) days.

B) Prohibited Signs

- 1) No off-premises signs shall be allowed other than as permitted under the Exempt Signs and General Regulations provisions of this Section.
- 2) No sign shall contain flashing, intermittent, rotating or moving lights. No sign shall contain internal lighting.
- 3) All portable signs other than those advertising special events of nonprofit organizations
- 4) No permanent sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner or other similar moving, fluttering, or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign. No sign or part thereof may rotate or move back and forth.
- 5) Signs exceeding thirty-two (32) square feet in area

C) Sign Requiring Zoning Permit: All signs that are not prohibited and are not exempt signs require a zoning permit and must comply with these following regulations:

- 1) No more than two (2) off-site advertising signs are permitted for a business or activity, provided no more than one sign per road intersection, are not illuminated, and do not exceed thirty-two (32) square feet in area.
- 2) In addition to allowed off-site advertising signs, a business or activity is permitted to have off-site directional signs not exceeding eight (8) square feet provided there is only one (1) such sign per road intersection.

- 3) No sign shall be illuminated between the hours of 11 P.M. and 6 A.M. unless the premises on which it is located is open for business.
- 4) Signs shall not be mounted or extended above the ridgepole or top of a roof.
- 5) No person shall erect a sign that constitutes a hazard to pedestrians or vehicular traffic because of intensity or direction of illumination or because it blocks a driver's view of the road.
- 6) Any sign that identifies a business or organization which is either defunct or no longer located on the premises; shall be removed by the owner of the sign or owner of the premises.
- 7) Signs In Hamlet District:
 - a) Maximum of two (2) signs per lot is permitted.
 - b) Such signs may not exceed a combined area of sixteen (16) square feet.
 - c) Signs must be located at least ten (10) feet from the front lot line; except where it is attached to and flush with the facade or wall of a building.
 - d) Freestanding signs shall not exceed ten (10) feet in height and eight (8) square feet in sign area.
- 8) Signs In General Rural District:
 - a) A maximum of three (3) signs per lot is permitted.
 - b) Such signs may not exceed a combined area of sixty-four (64) square feet in area.
 - c) Freestanding signs shall not exceed sixteen (16) feet in height and thirty-two (32) square feet in sign area.
- 9) All existing signs are grand fathered and shall be allowed to remain pursuant to Article 6.

4.13 Cluster Subdivisions

A cluster subdivision that satisfies all requirements of the Town of Bovina Subdivision Regulations shall be entitled to a twenty-five (25) percent density bonus. In the General Rural District, the bonus density permitted for cluster subdivisions is an average density of one (1) building lot for each 5.6 acres in the original tract of land. Cluster subdivisions must permanently preserve at least 50% of the original tract of land as undeveloped open space to qualify for the density bonus.

4.14 Mobile Homes

Mobile homes are permitted in the General Rural District only when the following standards have been met:

- A) Mobile homes shall comply with the provisions of Section 4.06.

- B) The mobile home is provided with potable water and a safe and adequate sewage disposal system. All of the requirements for soil percolation, septic tank capacity and installation, separations, well location and similar factors, which apply to conventional housing shall apply to the mobile home. Design and construction materials of such facilities shall be given to the Code Enforcement Officer with the Zoning Permit Application.
- C) The mobile home is provided with a permanent foundation with footer below the frost line or a stand and support capable of providing a firm base and containing the mobile home in a stable position. Such stand shall have a dimension equal to the width and length of the home and any extensions or expansions thereto and shall be either:
 - 1) A full basement foundation;
 - 2) A crawl space foundation;
 - 3) Full depth piers;
 - 4) A full size reinforced concrete slab at least six (6) inches thick placed over a six (6) inch bed of compacted gravel.
- D) The mobile home shall be provided with anchors or tie-downs. Ground anchors, including means for attaching ties, shall be located so as to effectively match the anchoring system instructions provided by the mobile home manufacturer or, if there are no instructions, in accordance with the generally accepted standard, and shall be designed and installed to transfer the anchoring loads to the ground.
- E) Tires and wheels shall be removed from the mobile home. If practical, the hitch shall also be removed.
- F) The mobile home will be provided with skirts to screen the space between the mobile home and the stand. Such skirts shall be of a permanent material similar to that used on the mobile home and providing a finished exterior appearance, and shall be installed within six months from the date of issuance of a permit for the mobile home.
- G) Any construction of storage space, additional rooms, or enclosed patios or carports shall have a finished exterior appearance. No exposed building paper, wallboard or other impermanent and unfinished material will be permitted.
- H) The mobile home shall bear the data plate, heating/cooling certificate and certifying labels required by the State of New York or an equivalent acceptable to the State of New York.
- I) The mobile home shall have a habitable space of at least 600 square feet of floor area.

The Zoning Administrator may issue a temporary zoning permit for one (1) mobile home when such mobile home is to be used as an interim dwelling during construction of a permanent residence or in the event a permanent residence has been damaged or destroyed. Such mobile home installation shall comply with the standards set for in paragraphs a, b, c, f and g above. When the new structure is occupied, the temporary mobile home shall be removed from the property within thirty (30) days.

4.15 Satellite Dishes

In the Hamlet District, new satellite dish antenna in excess of four (4) feet in diameter shall require site plan/special use permit review.

4.16 Small Wind Energy Conservation Systems for Farm Operations

The following are site plan review application requirements the Planning Board may apply to Small Wind Energy Conservation Systems for Farm Operations. These requirements are in addition to those listed in Section 5.04 hereof.

- A) Sketch of the parcel on a location map (e.g. tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Such sketch should show the existing features of the site including land and water areas, wetlands, water or sewer systems, utility lines and the approximate location of all existing structures on or immediately adjacent to the site.
- B) Proposed location and arrangement of small wind energy conversion systems on the site.
- C) Copies of plans or drawings prepared by the manufacturer of the system(s).
- D) Description of the project and a narrative of the intended use of the proposed wind energy conversion system, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Names and address of the applicant and any professional advisors shall be supplied. If the applicant is not the owner of the property, an authorization from the owner shall also be supplied.
- E) Description of safety measures to prevent unauthorized climbing on the tower.
- F) Description of mechanisms for automatic braking, governing or feathering system to prevent uncontrolled rotation of the rotor blades and turbine components.
- G) Small Wind Energy Conversion Systems for Farm Operations shall be setback 1,000-feet from property not owned by the farm operation.

ARTICLE 5. SITE PLAN/SPECIAL USE PERMITS

5.01 Administration

The Town Planning Board will administer the review and granting of site plan/special use permits. This Article combines site plan review and special use permit review into a single process.

5.02 Applicability of Review Requirements

Site plan/special use permit approval is required before establishing any use specified in the Schedule of Use Regulations as requiring site plan/special use permit approval. All use that requires a special use permit also requires site plan review. A preliminary conference is recommended but not required.

5.03 Pre-existing Special Uses

- A) Any use of land or buildings which was established prior to the enactment of this Ordinance and which is permissible as a special use in the district where it is located shall be considered a conforming use, except if discontinued for two (2) years or more. Thereafter, site plan/special use permit approval shall be required to re-establish the use.
- B) Such pre-existing special use shall not be enlarged, relocated, extended or increased in intensity unless an application is made for a site plan/special use permit and approved. The site plan/special use permit shall apply only to the additional activity.

5.04 Application Requirements

An application for site plan/special use permit approval shall be accompanied by information contained on the following checklist. The Code Enforcement Officer may waive any of these informational requirements prior to the submission of a formal site plan/special use permit drawing when such information is not material to the project under review. The Planning Board may overrule any waivers so granted and require submission of such informational requirements before accepting a site plan/special use permit application.

Site Plan/Special Use Permit Checklist:

- A) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- B) North Arrow, scale and date;
- C) Boundaries of the property plotted to scale;
- D) Existing buildings;
- E) Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and water courses;
- F) Location, design, type of construction, proposed use and exterior dimensions of all buildings;

- G) Location, design and type of construction of all parking and truck loading areas showing access and egress;
- H) Provision for pedestrian access;
- I) Location of outdoor storage, if any;
- J) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- K) Description of the method of sewage disposal and location, design and construction materials of such facilities;
- L) Description of the method of securing public water and location, design and construction materials of such facilities;
- M) Location of fire and other emergency zones, including the location of fire hydrants;
- N) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- O) Location, size and design and type of construction of all proposed signs;
- P) Location and proposed development of all buffer areas, including existing vegetative cover;
- Q) Location and design of outdoor lighting facilities;
- R) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- S) General landscaping plan and planting schedule;
- T) An estimated project construction schedule;
- U) Record of application for and status of all necessary permits from other governmental bodies;
- V) Identification of any permits from other governmental bodies required for the project's execution; and
- W) Other elements integral to the proposed development as may be considered necessary in particular case by the Planning Board.

5.05 Procedure

- A) All applications for site plan/special use permit shall be filed with the Planning Board. The Planning Board shall schedule a public hearing on the application to be held within sixty-two (62) days from the date such application is filed. Public notice of all such hearings shall be published in the official newspaper at least five (5) days prior to the hearing date.
- B) All applicants, at least ten (10), but not more than fifteen (15) days prior to attending each public hearing of the Planning Board shall send a written notice by certified mail, return receipt requested, to all contiguous landowners and landowners on the opposite side of the highway or right-of-way on which the applicant's property has frontage. Frontage on more than one highway right-of-way requires that all opposite owners be given notice including the property owner diagonally opposite a corner parcel. Property owners entitled to notice shall be those listed as owners on the records of the Bovina Tax Assessor's office as of the date of mailing. The written notice shall contain information equal to the notice published in the newspaper. Proof of mailing receipts must be furnished prior to the public hearing.
- C) A final decision shall be made within sixty-two (62) days of the public hearing unless extended by mutual consent of the applicant and the Planning Board. All decisions shall be filed in the office of the Town Clerk and a copy mailed to the applicant.

5.06 Standards Applicable to All Site Plan/Special Use Permit Uses

Before granting a Site Plan/Special Use Permit, the following considerations shall be addressed to the satisfaction of the Planning Board, consistent with the intent of this Local Law;

- A) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
- B) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;
- C) Location, arrangement, appearance and sufficiency of off-street parking and loading;
- D) Adequacy and arrangement of pedestrian traffic access and circulation, walkways, control of intersections with vehicular traffic and overall pedestrian convenience;
- E) Adequacy of storm water and drainage facilities;
- F) Adequacy of water supply and sewage disposal facilities.
- G) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- H) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants, as necessary;
- I) Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- J) The building setbacks, area and location of parking, architecture, signage, and landscape of the development, and how these features harmonize with the surrounding townscape and the natural landscape.
- K) Minimizing potential conflicts with agricultural operations that may be caused by the proposed development.

5.07 Conditions

The Planning Board, in granting site plan/special use permits, may impose such conditions, safeguards and restrictions upon the proposed development as may be deemed necessary to secure compliance with the provisions of this Local Law. Conditions may include, but are not limited to the following:

- A) The hours of operation;
- B) Access to the subject property;
- C) Protection of surface and groundwater;
- D) Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners;
- E) Adequate sewage disposal and water supplies;
- F) Sound limitations as needed to ensure peaceful enjoyment of neighbors;
- G) The location, size, height, design of building, walls, fences, landscaping and buffer yards;
- H) Covenants, easements, and/or homeowners' association for maintenance of applicable restrictions;
- I) Timing or phasing of the development;

- J) Control of dust, smoke, odor and soil erosion;
- K) Bonding as required to ensure standards are met and plans are implemented.

5.08 Effect of Site Plan/Special Use Permit Approval

- A) No structure or land use requiring site plan/special use permit approval shall be established until an appropriate permit has been issued by the Zoning Administrator upon approval of the Planning Board, in accordance with this Article.
- B) Transference: Site plan/special use permit approvals granted pursuant to this Article shall remain with the land when the title is transferred.

5.09 Expiration of Site Plan/Special Use Permit

A site plan/special use permit shall expire if the site plan/special use permit activity is not commenced and diligently pursued within two (2) years of the date of approval or if the use ceases for more than two (2) years for any reason.

ARTICLE 6. NONCONFORMING USES, STRUCTURES AND LOTS

6.01 Nonconformance Defined

- A) **Nonconforming Lot:** any lot which legally existed at the time this Local Law was enacted and which is deficient in depth, width, frontage, area or other dimensional requirement when compared to the present requirements of the zoning district.
- B) **Nonconforming Structure:** any structure, building or sign which legally existed at the time of enactment of this Ordinance and which is used for a permitted use, but does not conform to the present requirements of zoning district for size, dimensions or setbacks.
- C) **Nonconforming Use:** any use of land, premises, building or structure, legally existing at the time of enactment of this Local Law, which is not a permitted use, permitted accessory use or special use in the zoning district in which such use is located.

6.02 General Provisions

- A) **Construction Approved Prior to Enactment of Ordinance:** Nothing contained in this Local Law shall require any change in plans, construction or designation of use of a building for which a building permit has been issued and is actively under construction within six (6) months of the date of such permit.
- B) **Transference:** Rights granted to nonconforming lots, structures and uses pursuant to this Article shall remain with the land when title is transferred.

6.03 Nonconforming Lots

- A) **Setbacks:** On any nonconforming lot, setback requirements shall not apply for additions to existing buildings located on such lots; provided such additions shall not exceed the present building lines of the main structure.
- B) **Subdivision:** A nonconforming lot may be subdivided if every part of such lot is purchased by the owners of adjoining properties to increase the dimensions of such adjoining properties. Otherwise, the lot area, width, depth or frontage dimensions of a nonconforming lot may not be reduced below the minimum dimension requirements by subdivision of the lot.
- C) Any recorded lot, held in single and separate ownership prior to the adoption of this Local Law, which has less than the minimum required width, depth or area (acreage), shall be considered as complying with this Local Law. No variance shall be required to build on such lots provided setback requirements are met.

6.04 Nonconforming Structures

- A) Nonconforming structures may be enlarged or altered provided such construction will not result in the increase of any nonconformity in height, setback, land coverage or other

dimensional requirement; all new construction shall conform to height, setback, size, land coverage and other applicable dimensional requirements. (Except Section 6.03-A, above.)

- B) Nothing in this Article shall prevent normal maintenance and repair of any nonconforming building or structure.
- C) No nonconforming structure shall be moved to another location where such building or structure would also be nonconforming.
- D) Any nonconforming structure may be restored or reconstructed after being destroyed or damaged by fire, accident or other act of God provided that the restoration or reconstruction is started within two years after such damage is incurred.

6.05 Nonconforming Uses

- A) Nonconforming Uses: No building, structure or land area used for a nonconforming use shall be enlarged, extended or moved nor additional structures allowed.
- B) Maintenance and repair work as is required to keep a structure housing a nonconforming use in sound condition shall be permitted.
- C) Any nonconforming use may be extended throughout any parts of the building, which were manifestly arranged or designed for such use at the time of enactment of this Local Law.
- D) Discontinuance: Whenever a nonconforming use of a structure has been discontinued for a period of two (2) years, such use shall not thereafter be re-established, and any future use shall be conforming with the provisions of this Local Law.
- E) If a building or structure or part thereof containing a nonconforming use has been damaged or partially destroyed by any cause, it may be reconstructed or restored. Such nonconforming use shall be reconstructed or restored with the same or less floor area and cubic content, and with the same or improved site layout as that of the original structure.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

7.01 Zoning Administrator

- A) These regulations shall be enforced by a person hereinafter called the "Zoning Administrator," designated by the Town Board, who shall have the authority to issue permits only in strict compliance with this Local Law.
- B) With regard to site plans, the Code Enforcement Officer has the duty of enforcing any additional regulations adopted pursuant to Section 5.01(B) hereof. The Zoning Administrator shall also be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

7.02 Enforcement

- A) No zoning permit or certificate of compliance shall be issued by the Zoning Administrator except in compliance with the provisions of these regulations, or as directed by the Board of Appeals under provisions of Article 8.
- B) The Zoning Administrator shall establish uniform procedures for receiving complaints of violations, serving notices of violations and issuing stop work orders.
- C) The Zoning Administrator is authorized to issue appearance tickets returnable in Town Justice Court in connection with any violation of this local law.

7.03 Penalty for Violations

Any person, corporation, partnership, association or other legal entity who violates any of the provisions of this Local Law, or any conditions of permit shall be guilty of an offense and subject to a fine of not more than Three Hundred Fifty Dollars (\$350) and by penalty of not more than Three Hundred Fifty Dollars (\$350) to be recovered by the Town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation continues.

7.04 Other Enforcement Proceedings

The Town may institute any appropriate action or proceeding to prevent a violation of this law, to restrain, correct, or abate such violation, or to prevent the illegal use of land, building, or structures.

7.05 Zoning and Building Permit

- A) No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun and no Building Permit issued by the Building Inspector, unless and until a zoning permit has been issued by the Zoning Administrator.

- B) No zoning permit shall be issued until there has been filed with the Zoning Administrator a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building or accessory buildings to be erected, relocated or altered and such other information as may be necessary to determine and provide for the enforcement of these regulations.
- C) Each application shall state the purpose for which the structure or land is to be used and general description of the type of construction.
- D) Upon written request of the Zoning Administrator, additional information (such as drawings, data, computations) necessary to ensure compliance with this Local Law, shall be provided by the applicant, his agent or consultant at no cost to the Town.
- E) If construction authorized by a Zoning Permit has not been started within one year, said Permit shall be null and void.

7.06 Certificate of Occupancy

The Building Inspector shall not issue a Certificate of Occupancy until the Building Inspector has received certification (Certificate of Compliance) from the Zoning Administrator that the use conforms to all zoning requirements.

ARTICLE 8. ZONING BOARD OF APPEALS

8.01 Creation of Appeals Board

A Zoning Board of Appeals is hereby created pursuant to the authority and provisions of Section 267 of the Town Law. The Board shall elect officers and prescribe rules for conduct and appoint a recording secretary.

8.02 Powers of Appeals Board

The powers of the Board of Appeals are as follows:

- A) Interpretation - Upon appeal from a decision by the Zoning Administrator, to decide any question involving the interpretation of any provision of this law.
- B) Variances - to vary or adapt the specification of any requirement of this law.
- C) Appeals of Planning Board Decisions on Special Use Permits/Site Plans - see Section 8.04 below.

8.03 General Procedures

The Board of Appeals shall act in accordance with Section 267 of the Town Law, State Environmental Quality Review Act, General Municipal Law Section 239, the procedures specified in this law, and their own bylaws. All appeals and applications made to this Board shall be in writing.

8.04 Appeal of Planning Board Decision on Special Use Permits/Site Plan

- A) Any applicant for a special use permit/site plan approval may appeal the Planning Board's decision of denial or conditional approval to the Zoning Board of Appeals in writing within thirty (30) days after the filing of the decision in the Office of the Town Clerk. It is intended that this appeal mechanism shall be optional; applicants may appeal directly to Supreme Court.
- B) The Zoning Board of Appeals shall affirm or reverse, in whole or in part, the decision of the Planning Board within sixty-two (62) days of receiving a written appeal. The Appeals Board shall hold a public hearing before making its decision. The Appeals Board shall not alter a decision of the Planning Board unless it finds that the Planning Board's decision was unreasonable, based on a substantial error of facts, or not properly related to the standards set forth in this Local Law.

- C) The applicant may appeal the original decision of the Planning Board to Supreme Court as provided by Section 274-a, Paragraph 10, of the Town Law within thirty (30) days of the Appeals Board's decision or of the applicant's withdrawal of an appeal before the Appeals Board. In addition, any person aggrieved by the Appeals Board's decision, may appeal within thirty (30) days to Supreme Court, as provided by Section 267-c of the Town Law.

- D) This Section supersedes Town Law Section 274-a, Paragraph 10, to the extent that it provides an additional, optional appeal and that the thirty (30) day time limit for appeals to Supreme Court provided by statute does not commence until an appeal directed to the Zoning Board of Appeals is concluded, if such appeal to the Board is made.

ARTICLE 9. AMENDMENTS

9.01 Amendments by Town Board

The Town Board may amend, supplement or repeal the regulations and provisions of this law after public notice and public hearing. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:

- A) By publishing a notice at least ten (10) days prior to the time of such hearing in newspaper of general circulation in the town.
- B) By making any referrals and studies as may be required by the General Municipal Law Section 239, the State Environmental Quality Review Act and Section 9.02 of this Local Law.

9.02 Referral of Amendments to Town Planning Board

All proposed amendments shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within ninety (90) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

9.03 Supermajority Requirements

In case of a protest against such change or an adverse recommendation from the Delaware County Planning Board, a supermajority may be required in accordance with Town Law and General Municipal Law in order to adopt the amendments.

ARTICLE 10. DEFINITIONS

Except where specifically defined herein all words used in this law shall carry their customary meanings. Words in the present tense shall also include the future, the singular shall include the plural and the plural the singular.

In the case of any dispute over the meaning of a word, phrase or sentence, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Local Law as set forth in Article 1. Appeals may be taken from such determinations as provided in Article 8.

ACCESSORY BUILDING: A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principle building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADDITION: Extension or increase in area or height of a building.

AGRICULTURAL USE: The use of a parcel of land for agricultural purposes including tilling the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, aquatic farming, harvesting of tree products and animal husbandry; also included are the necessary accessory uses and structures for packing, treating, and storing of products, produce and equipment, provided that the operation of any such accessory use shall be secondary to that of normal agricultural activities; agricultural does not include kennels or slaughter houses.

ALTERATION: Any change, rearrangement, or addition to a building, other than repairs; any modification in construction, or in building equipment.

APARTMENT: Same as MULTI-FAMILY DWELLING.

BED AND BREAKFAST: A private dwelling in which fewer than 10 rooms are rented for temporary accommodations to overnight guests for a fee; same as tourist home.

BOARDING HOUSE: A private dwelling in which at least two (2) but not more than six (6) rooms are offered for rent, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

BUILDING: Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING, DETACHED: A building surrounded by open space on all sides on the same lot.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of roof for flat and mansard roofs, and to the average height between eaves and ridge for other roof types.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPING VEHICLE: Pick-up campers and coaches (designed to be mounted on an automobile or pick-up truck), motorized dwellings, travel trailers and the like that are designed for overnight camping, and not including mobile homes, snowmobiles, and other recreation vehicles.

CLUB: Building or use catering exclusively to club members and their guests, and not operated primarily for profit. Including, but not limited to: YMCA, YWCA, YHCA, lodge, religious, and similar clubs.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and boarding houses.

DWELLING, ONE-FAMILY: A detached building designed for year-round occupancy by one family only, other than a recreational vehicle.

DWELLING, TWO-FAMILY: A detached building designed for year round occupancy by two families living independently of each other, other than a mobile home, recreational vehicle, camp, or rooming house.

DWELLING UNIT: A building or portions thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

FAMILY: One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

FARM SERVICE CUSTOMER-GENERATOR: An owner and operator of wind electric generating equipment located and used on land used in agricultural production as defined in Section 301 of the Agriculture and Markets Law, which is also the location of the customer-generator's primary residence.

FLOOR AREA: Sum of the gross horizontal area of the floors of a building excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FRONTAGE: The distance along a lot which abuts a public road or private road in an approved subdivision.

HOME OCCUPATION: Any type of business that is conducted on a residential property by the residents and that complies with the standards of Section 4.03.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a

common use or interest; and including such open spaces as are required by these regulations, and having its principal frontage on a public street or an officially approved subdivision street.

LOT AREA: The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of the area.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner or intersection of less than 135 degrees.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT LINES: The property lines bounding the lot, including:

Lot Line, Front - The lot line separating the lot from the street right-of-way.

Lot Line, Rear - The lot line opposite and most distant from the front lot line

Lot Line, Side - Any lot line other than a front or rear lot line

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MINING: Including quarrying and mineral processing, means the excavation and extraction of rock, gravel, stone or soil for off-site usage or sale.

PERMITTED USE: A use of land or buildings allowed under the regulations of this Local Law not requiring a special use permit; same as "by right" use.

PLANNING BOARD: The Town of Bovina Planning Board.

PRINCIPAL USE: The main use of a lot or structures as distinguished from a secondary or accessory use.

ROAD RIGHT-OF-WAY: A strip of land intended to be occupied or occupied by a road, the boundaries of which are delineated by usage, dedication, or by deed.

SETBACK FRONT: The distance measured from the road right-of-way or centerline to the front building line of any building on a given lot, extending the entire width of the lot.

SETBACK, REAR: The distance measured from the rear property line to the rear building line, extending the entire width of the lot.

SETBACK, SIDE: The distance measured from the side property line to the side building line, extending the entire length of the lot.

SIGN: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of an advertisement,

announcement, or direction, or is designed to attract the eye by means including intermittent or repeated motion of illumination.

SIGN, OFF-SITE ADVERTISING: Any sign that calls attention to a business, so as to induce a desire to buy or patronize a commodity, service or entertainment sold or offered by that business when such sign is not located on the property where the business is located.

SIGN, OFF-SITE DIRECTIONAL: Signs limited to directional messages pertaining to the identification and location of a business and not containing any other advertising information.

SIGN, AREA OF:

- A) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.
- B) The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or a triangle, which encompasses all of the letters and symbols.
- C) The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
- D) In computing the area of signs, one (1) side of back-to-back signs shall be included. A two (2) sided sign is considered one (1) sign.

SIGN, FREESTANDING: A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

SIGN, PORTABLE: Sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

SIGN, TEMPORARY: Any sign, including its support structure, intended for advertising for a season or before an occasional event or sale, and not intended to be displayed on a continuous basis.

SMALL WIND ENERGY CONSERVATION SYSTEM FOR FARM OPERATION: A wind energy conversion system consisting of a turbine, a tower and associated control or conversion electronics that is operated by a farm service customer-generator.

STREET: A public or private way, which affords the property means of access to abutting property; same as "Road".

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

VEHICLE: A motorized conveyance designed for use on public highways.

WIND ENERGY SYSTEM: An energy conversion system consisting of turbine(s), tower(s) and associated control or conversion electronics that is intended to produce power from wind for

distribution on the utility grid or to reduce consumption of utility power at that location, not including Small Wind Energy Conversion Systems for Farm Operations as defined herein.

YARD: An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided by this Local Law.

YARD, FRONT: An open, unoccupied space on the same lot with a building, between the building front line and the street line, and extending the full width of the lot.

YARD, REAR: An open, unoccupied space, except for accessory buildings, on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot.

YARD, SIDE: An open, unoccupied space, except for accessory buildings, on the same lot with a building, situated between the building and the side lot line, and extending from the front yard to the rear yard.

Town of Bovina

SCHEDULE OF USE REGULATIONS

P = Permitted Use In Specified District
SP = Special Use Permit and Site Plan Required
SP* = Site Plan Review Required
X = Prohibited Use In Specified District

If a use is not listed in this Schedule, it is not allowed.

	<u>DISTRICTS</u>	
	GR	H
<u>RESIDENTIAL PRINCIPAL USES</u>		
Boarding and Rooming Houses	SP	SP
Dormitory, fraternity/sorority house	SP	X
Dwelling, Multi-Family (Apartment)	X	X
Dwelling, Single-Family	P	P
Dwelling, Two-Family	P	P
Mobile Home	P	X
Monastery, retreat or similar religious residential facility	SP	SP
Residential Care Facility	P	P
<u>ACCESSORY USES</u>		
Accessory Apartments	SP	SP
Accessory Use or Structure Incidental to the Permitted or Special Permit Use and Located on the Same Lot, Not Otherwise Specified Herein	P	P
Home Occupation	P	P
Guest Cottage on Residential Premises	P	P
<u>GENERAL PRINCIPAL USES</u>		
Agriculture, Including the Keeping of Fowl and Animals	P	P
Cemetery	P	SP
Human Crematory	SP	SP
College/University	SP	X
Forestry Uses (Commercial Logging)	P	P
Non-Profit Club or Non-Profit Recreation Use	P	SP
Roadside Stand	P	P
Summer Camp, Day Camp, Cottage or Cabin Development	SP	SP
<u>PUBLIC PRINCIPAL USES</u>		
Animal Shelter	SP	X
Art Gallery/Studio	P	SP
Church or Other Place of Worship	P	SP
Conference Center	P	SP
Conservation Uses, Including Public Parks and Public Recreation		

Areas	P	P
Cultural Facilities (Library, Museum, Etc.)	P	SP
Day Nursery or Nursery School	P	SP
Golf Course or Country Club	SP	SP
Governmental Buildings and Uses	P	P
Library	P	SP
Medical Care Facility	SP	SP
Meeting Hall for social, fraternal, civic, or similar organizations	P	SP
Nursing Home	P	SP
Private Non-Profit Academic, Parochial or Technical School	SP	SP
Recycling Center	SP	SP
Sanitary or other waste landfill, including toxic or hazardous waste	X	X
Solid Waste Transfer Station	SP	X

RECREATION PRINCIPAL USES

Baseball hitting range or Archery range	P	SP
Lodges and resorts	SP	SP
Equestrian Facilities	P	SP
Firing Range, skeet or trap-shooting facility (outdoor)	SP	X
Firing Range, Indoor	P	SP
Golf Driving Range	P	SP
Golf, Miniature	P	SP
Indoor Recreation Facility or Complex	P	SP
Swimming/Tennis (Racquet) Facility, public or private	P	SP
Tent Campgrounds	SP	SP
Travel Trailer Park	SP	X

BUSINESS PRINCIPAL USES

Airports, landing strips and heliports	SP	X
Auction Establishment	P	SP
Audio and Video Studio	P	SP
Automobile Repair Facility	SP	SP
Barber/Beauty Shop	P	SP
Broadcasting Studio	P	SP
Building Materials Supply and Sales	P	SP
Business or Professional Office	P	SP
Car Wash	SP	SP
Carpentry, plumbing, electrical, printing, welding, sheet metal, wood working shops, less than 5,000 square feet	P	SP
Commercial Nurseries or Greenhouses	P	SP
Commercial storage and processing of bulk agricultural products	SP	X
Contractor Business	P	SP
Convenience Store	SP	SP
Dance Hall, Bowling Alley or Indoor Skating Rink	P	SP
Dance or Music Studio	P	SP
Farm Supply	SP	SP
Financial Institution	P	SP

Fuel Yard (retail)	SP	X
Funeral Home	P	SP
Gasoline Station, or Automobile Service	SP	SP
Greenhouse with retail sales	P	SP
Health Services Facility or Clinic	SP	SP
Hotel or Motel Development	SP	SP
Kennels	SP	X
Laundry, self-serve or other	P	SP
Livestock Exchange	SP	X
Mobile Home sales and service	X	X
Motion Picture Theater, Theater for Dramatic Productions, or Concert Hall	P	SP
Newspaper Office	P	SP
Photographic Studio	P	SP
Printing Facility	P	SP
Repair Service Establishments	P	SP
Restaurant	P	SP
Retail Business or Service, Not Otherwise Specifically Listed Herein	SP	SP
School Conducted for Profit	P	SP
Shopping Center	SP	X
Stone Monument Processing	P	SP
Tavern, Bar or Nightclub	SP	SP
Taxidermy Shop	P	SP
Video Arcade	P	SP
Veterinarian's Office, Animal Hospital	SP	SP

INDUSTRIAL PRINCIPAL USES

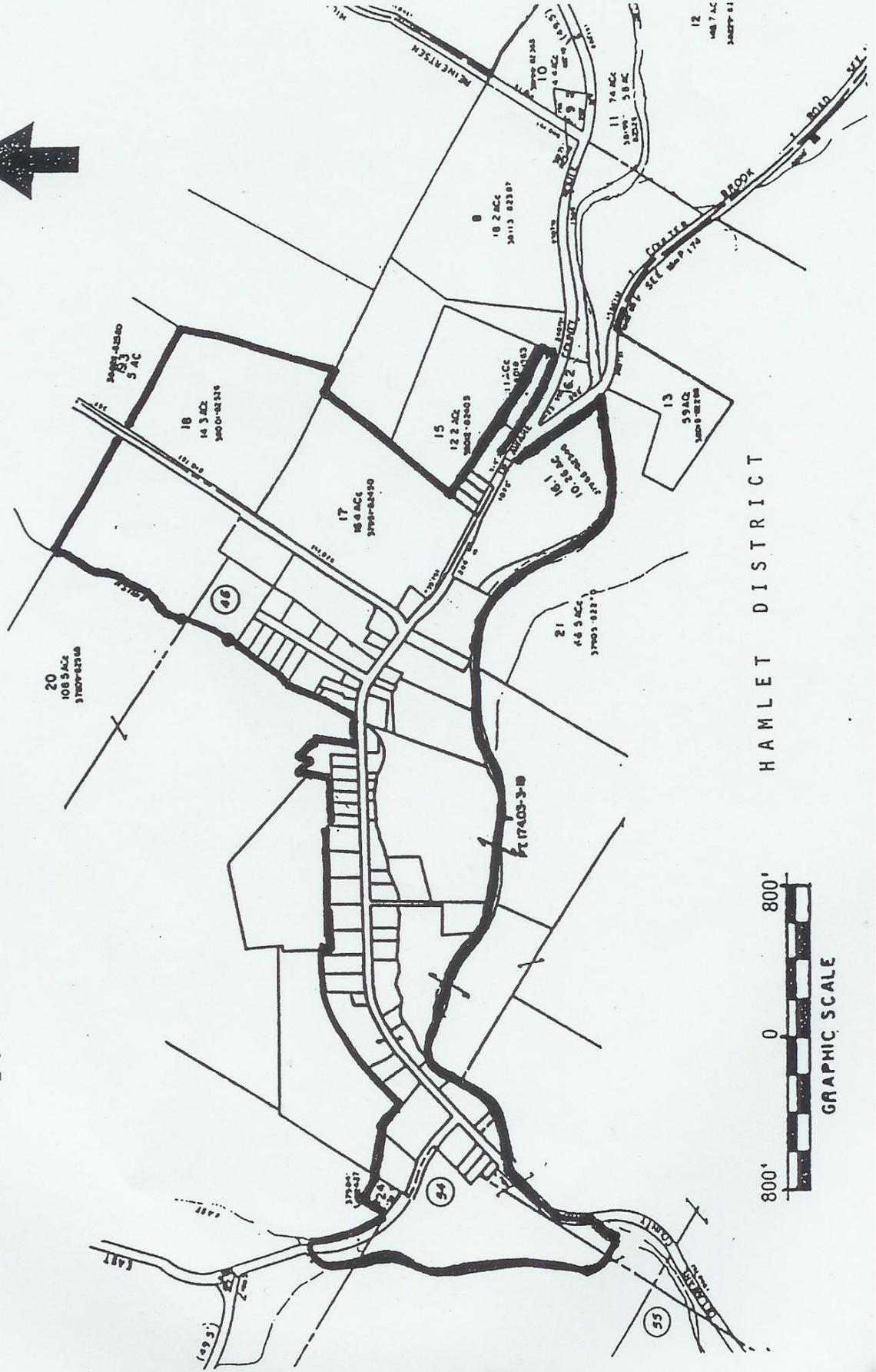
Bottling and Related Uses	SP	X
Commercial Communications Receiving and Transmitting Antenna	P	P
Garbage Incineration other than in municipal plants or incidental to the operation of small businesses, farms, or dwellings	X	X
Freight Terminal	SP	X
Fuel Yard (wholesale)	SP	X
Junk yard/Auto Graveyard	X	X
Laundry or Dry Cleaning Establishment	SP	X
Manufacture, Fabrication, Assembly, Warehousing and Other Material Handling	SP	X
Same as Above Except No Larger Than 3,000 Sq. Ft.	SP	SP
Mining, quarrying, mineral processing over 1000 cubic yards per year	P	SP
Mining, quarrying, mineral processing less than 1000 cubic yards per year	P	P
Natural gas, oil and other petroleum products metering, regulation, compressors and local office space incidental to such operations but not any storage facilities	SP	X
Public Utility or Transportation Use, Including Garage and		

Maintenance Facility	SP	X
Public Utility Station or Structure	SP	SP
Research Laboratory	SP	X
Sawmill	SP	X
Wholesale Business or Sales, Not Otherwise Specifically Mentioned Herein	SP	X
Wind Energy System	X	X

INDUSTRIAL ACCESSORY USES

Small Wind Energy Conservation System for Farm Operation	SP*	SP*
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TOWN OF BOVINA
ZONING MAP



HAMLET DISTRICT

