

Town of Woodhull

County of Steuben

State of New York

LAND USE REGULATIONS

RESOLUTION #50

ADOPTION OF LAND USE REGULATION

Adopted : Updated June 23, 2016

**Reviewed for update after one year.
Then every five years thereafter.
See Page 23 under Periodic Review.**

All Maps are on pages 28,29,30,31,32



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ARTICLE I

ENACTMENT, TITLE, PURPOSE

100: ENACTMENT CLAUSE

The Town Board of the Town of Woodhull, County of Steuben, State of New York, having complied with the provisions of Article 16 of the Town Law, for purpose set forth herein, does hereby ordain, enact and publish as follows:

There is hereby established comprehensive Land Use Regulations for the Town of Woodhull, Steuben County, New York, regulating and restricting the location, construction and use of structures, and the use of land in the Town and for said purposes dividing the Town into districts, which plan is set forth in the text, maps and schedule which constitute this regulation.

110: SHORT TITLE

This regulation shall be known and cited as the “Town of Woodhull Land Use Regulations”.

120: PURPOSE

These regulations are made in accordance with the Comprehensive Plan and designed to lessen congestion in the streets, secure safety from fire, flood, panic and other dangers; to promote the health and general welfare; provide adequate light and air; to prevent overcrowding of land, facilitate provision of transportation, water, sewage, parks and other public facilities; to encourage the most appropriate use of land; and otherwise carry out the purposes set forth in Article 16 of the Town Law.

ARTICLE II

ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL LAND USE MAP

200: ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety and welfare and otherwise carry out the objectives of these regulations, the Town of Woodhull is hereby divided into the following land use districts:

AG-R Agricultural – Residential
LDR Low Density Residential
LC Land Conservation

210: LAND USE DISTRICT MAP

Said districts are shown and bounded on the official Land Use District Map, which Map together with all explanatory matter thereon, is hereby adopted and attached herein. Said Map shall show the effective date of these regulations and of each subsequent amendment to said Map, and shall be duly certified by the municipal clerk.

220: INTERPRETATION OF LAND USE ORDINANCE MAP

Where uncertainty exists with respect to the boundaries of any land use district as shown on the official Land Use District Map, the following rules shall apply:

1. Where boundaries are indicated as approximately following the center lines of streets or highways, such center lines shall be construed to be such boundaries.
2. Where boundaries are so indicated that they approximately follow platted lot lines, such lot lines shall be construed to be said boundaries.
3. Where boundaries are so indicated that they are approximately parallel to the center lines of streets or the center lines of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom, as indicated on the Land Use District Map. If no distance is given, such dimension shall be determined by the use of the scale of the Land Use District Map.
4. Where the boundaries follow a stream, lake or other body of water, said boundary line shall be deemed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
5. Where physical or cultural features existing on the ground are at variance with those shown on the official Land Use District Map, or in other circumstances not covered herein, the Board of Appeals shall interpret the boundaries.

DISTRICT REGULATIONS

300: APPLICATION OF REGULATIONS

The requirements set by these regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. Non-residential agricultural buildings and structures in the Agricultural-Residential district are specifically exempt from these regulations and no Land Use Permits or Land Use Certificates shall be required therefore, except:
 - a) When located in the flood plain overlay district; and
 - b) New construction for housing animals within fifty (50) feet of a highway right-of-way or two hundred (200) feet of a lot line or three hundred (300) feet of any existing dwelling on an adjoining lot.
2. Except as provided above, no structure shall hereafter be erected and no existing structure shall be moved, structurally altered, rebuilt, added to or enlarged nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each district, and meeting the requirements set forth in the Land Use Schedule. No open space contiguous to any building shall be encroached upon or reduced in any manner, except in conformity to the regulations for the district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of these regulations.
3. No building or other structure shall hereinafter be erected or altered to have narrower or smaller rear yards, front yards, side yards, or other open spaces than required herein; or in any other manner contrary to the provisions of these regulations.
4. Any lawful use existing prior to the enactment of these regulations which does not conform to the requirements herein, may continue as a non-conforming use as provided herein.
5. No part of a yard or other open space or off-street parking or loading space required about or in connection with a structure for the purpose of complying with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for another building.
6. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet at least the minimum requirements established by these regulations.

310: DISTRICT REGULATIONS

1. AGRICULTURAL – RESIDENTIAL (AG-R)

INTENT

To preserve agricultural land, encourage continued agricultural use, preserve open space and natural resources, discourage urban sprawl, reduce land use conflicts and otherwise carry out the objectives of these regulations and the Comprehensive Plan.

In this District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

- A. Permitted Principal Uses
Customary agricultural uses and structures.
Single and two-family dwellings, seasonal homes.
- B. Accessory Uses
Uses customarily accessory to a permitted principal use.
- C. Special Permit Use
Any lawful use not listed above.

2. LOW DENSITY RESIDENTIAL SMALL BUSINESS (LDR)

INTENT

To permit establishment of low density residential areas with individual water and sewer facilities; to avoid congestion and otherwise carry out the objectives of these regulations.

In this District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

- A. Permitted Principal Uses
Same as Agricultural-Residential, except as provided in Section 413.
- B. Special Permit Uses
Any lawful use not listed above.

3. LAND CONSERVATION DISTRICT (LC)

INTENT

To preserve special resource areas wherein substantial development may result in public safety or health problems, and/or ecological damage because of special conditions or topography, drainage, flood plains, and other natural conditions; to encourage preservation of natural features, streams, wildlife resources, water resources, and otherwise carry out the objectives of these regulations.

- A. Permitted Principal Uses
Agricultural uses and structures.
Single-family dwellings, seasonal dwellings.
Parks, playgrounds.
Forestry uses.

- B. Accessory Uses
 Uses customarily accessory to a permitted principal use.

4. FLOOD PLAIN OVERLAY DISTRICT (FP)

There is hereby established a Flood Plain Overlay District, the boundaries of which are delineated on the Land Use District Map. This section provides additional special requirements for areas within the defined Flood Plain Overlay District. These requirements are in addition to those contained in the underlying land use district, and are delineated in Town of Woodhull Local Law #1 of 1991. Any development within this overlay district shall be in accordance with said local law.

320: LAND USE SCHEDULE REQUIREMENTS FOR LOT SIZE AND YARDS

TOWN OF WOODHULL, NEW YORK

DISTRICT	MINIMUM LOT		MINIMUM YARDS		
	Area	Width	Front	Rear	Each Side
AG-R					
<u>Agricultural-Residential</u>					
Single Dwellings and Two-Family Dwellings	40,000 sq. ft.	200'	50'	25'	25'
All Other Permitted Uses	40,000 sq. ft.	200'	50'	25'	50'
LDR					
<u>Low Density Residential</u>					
Single Dwellings	20,000 sq. ft.	100'	50'	15'	15'
Two-Family Dwellings	30,000 sq. ft.	100'	50'	15'	15'
All Other Permitted Uses	20,000 sq. ft.	100'	50'	15'	15'
LC					
<u>Land Conservation</u>	3 Acres	300'	50'	50'	50'

ARTICLE IV

SUPPLEMENTAL REGULATIONS

The provisions of these regulations shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

400: PROHIBITED USES

1. Any use of any structure or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.

In any district, the following standards for activities shall apply:

- a) No offensive or objectionable glare shall be noticeable at or beyond the property line.
- b) No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause, to persons or property in the same adjacent district.
- c) There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin, or endangers health in any way.
- d) The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals, plant life or to other forms of property shall be prohibited. Outdoor furnaces are excluded.

401: PRESERVATION OF NATURAL FEATURES

In siting uses and structures, grading, filling and tree cutting shall be minimized; due consideration shall be given to preservation of natural features such as streams, marshes, scenic vistas; attention shall be given to revegetation of cuts, fill and borrow areas and vegetative plantings to separate uses as buffers and borders where appropriate. Environmental and aesthetic impact shall be required considerations.

1. Streams

No structure of sewage disposal system shall be built within fifty (50) feet of the bed of a stream carrying water an average of six (6) months of the year.

402: VISIBILITY AT INTERSECTIONS

On a corner lot in any residential district, nothing shall be erected, placed, planted or grown in such a manner as to materially impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets. This shall apply to the triangular area bounded by the street lines and a line joining points along said street lines, fifty (50) feet from the point of the intersection.

403: ACCESSORY STRUCTURE

No accessory structure shall be erected in any required yard.

404: ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one structure housing a permitted principal use may be erected on a single lot, provided that yards and other requirements of these regulations shall be met for each structure as though it were on an individual lot.

405: CORNER LOTS, YARDS

On every corner lot in a residential district, there shall be provided on the side street a side yard equal in depth to the required front yard depth.

406: THROUGH LOTS, YARDS

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

407: ARCHITECTURAL PROJECTIONS

Open structures such as porches, patios, balconies, car-ports and similar architectural features shall be considered parts of the building to which they are attached and shall not project into required minimum front, side or rear yards.

408: MINIMUM HABITABLE FLOOR AREA

The minimum habitable floor area for all residential uses where permitted shall be four hundred (400) square feet for each dwelling unit; such area shall include only the living room, dining room, kitchen and bedroom exclusive of bathrooms, closets, utility rooms, attics, hallways, stairways, basements and unheated areas.

409: OFF-HIGHWAY PARKING

In all residential districts, at the time any dwelling is erected or enlarged, two off-highway parking spaces at least nine (9) feet by twenty (20) feet in size shall be provided. Garage space may be counted toward this requirement.

410: HIGHWAY ACCESS

Every building hereafter erected or moved shall be on a lot with frontage on a public street or highway and be so located as to provide safe, convenient access for servicing, fire protection and off-highway parking. Curb-cuts and driveways will be carefully located and kept to a minimum in all cases. Parallel access roads or internal development roads will be required where appropriate to achieve this purpose.

Vehicular access to and from streets and highways shall consist of well defined, separate or common entrances and shall comply with the applicable regulations of the New York State Department of Transportation or the Steuben County Highway Department, or the Town of Woodhull Highway Department, whichever applies, and the following provisions, whichever is more restrictive.

Access drives shall not open upon any public right-of-way:

1. Within fifty (50) feet of the nearest right-of-way line of any intersecting public street or highway.
2. Where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit exceeds thirty-five (35) miles per hour, however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight distance requirement may be reduced to two hundred fifty (250) feet.
3. Drives opening on State highways shall be subject to New York State Department of Transportation regulations.
4. Drives opening on County highways shall be subject to the regulations of the Steuben County Highway Department.
5. All drives opening on all highways shall be classified Residential or Commercial and shall conform to the following specifications except where they may be in conflict with other municipal regulations, in which case the latter will govern.

RESIDENTIAL

1. Driveway pipe shall be a minimum of eighteen (18) inches in diameter and twenty two (22) feet minimum length. Larger sizes may be required depending on the flow.
2. Driveway pipe shall be so placed as to maintain the drainage gradient of the road ditch.
3. Driveway angle of entry to the highway shall not be less than 60 degrees.
4. Height of laid stone or end section shall not exceed driveway elevations.
5. Drives shall be a minimum of ten (10) feet from property lines.
6. Driveway grades between the highway and the setback line shall not exceed twelve percent (12%).
7. Drives shall not be less than a five (5) foot transition radius at the curb line, or the equivalent in a flared entrance.
8. Normally, one drive per resident – one additional drive may be granted under special permit if sufficient frontage exists.

COMMERCIAL

The following provisions shall not apply to access drives serving single or two-family dwellings, but shall apply in the case of all other uses:

1. Separate entrance and exit drives shall have a minimum width of twelve (12) feet and maximum width of twenty-four (24) feet measured at right angles to the driveway centerline; shall be separated by at least a ten (10) foot traffic island; and shall not intersect the public right-of-way at an acute angle of less than sixty (60) degrees.
2. Combine exit-entrance drives and common drives serving more than one establishment shall have a minimum width of twenty-four (24) feet and a maximum width of thirty (30) feet measured at right angles to the driveway centerline and shall intersect the public right-of-way at an angle of not less than sixty (60) degrees.

In cases where the size of an existing lot of record at the effective date of these regulations is such that the strict application of these requirements would prohibit highway access to the property, a plan for access which shall provide the greatest traffic safety possible under the circumstances shall be submitted to and approved by the Planning Board prior to the issuance of a permit.

411: PARKING AND LOADING AREA SETBACKS

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the edge of a public thoroughfare or adjoining property line by a planting strip at least twenty (20) feet in depth.

412: PRIVATE SWIMMING POOLS

No private in the ground swimming pools, excluding farm ponds shall be allowed in any district except in compliance with the following requirements:

1. The pool shall not be closer than five (5) feet to any lot line.
2. The pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children and animals. Said fence shall not be less than six (6) feet in height and maintained with a self-closing and self-latching gate of equal height to the fence.

413: ANIMALS AND POULTRY

In any district other than AG-R, no kennels, no housing of animals, poultry or livestock nor placement of feeding equipment or structures therefore, nor outdoor storage of odor or dust-producing materials shall be permitted within two hundred (200) feet of a lot line or three hundred (300) feet of an existing dwelling on an adjoining lot.

414: SERVICE STATIONS, AUTOMOTIVE

A service station shall be subject to the following requirements:

1. Structures and areas for use by motor vehicles, except access drives, shall not encroach upon any required yard area.
2. No fuel pump shall be located closer than twenty (20) feet from any side lot line, nor closer than twenty (20) feet from any street right-of-way.
3. Accessory goods for sale may be displayed on the pump island and the building island only.
4. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed building.
5. Where each service station abuts a low density residential district, they shall be screened by buffers of densely planted evergreens, solid fencing or a combination of both. Failure to maintain such screen in good condition shall constitute a violation of these regulations.

415: WATER SUPPLY AND SEWAGE DISPOSAL

WATER SUPPLY

Water supply facilities shall be provided in accordance with the standards set forth in the publication, "Rural Water Supply", as published by the New York State Department of Health

SEWAGE DISPOSAL

Any new structure containing bathroom facilities shall be equipped with a system or facility for the separate disposal of water-borne sewage or trade wastes in accordance with standards for such facilities as recommended by the New York State Department of Health, published as, "Waster Treatment Handbook – Individual Household Systems".

Where said standards are not applicable due to inadequate percolation rates, topography problems, rock formation or other circumstances, a sewage treatment system shall be designed according to standards set forth in the Public Health Service publication, "Manual of Septic Tank Practices" or other generally accepted standards. Said system to be approved by the New York State Department of Health or by a registered professional engineer licensed by the State of New York.

416: PROHIBITED DEVICES

Any sign containing flashing, pulsating, intermittent, rotating or moving lights, or simulation thereof, is prohibited in all districts.

417: TRAVEL TRAILER PARKS

Where travel trailer parks are permitted, the following minimum regulations shall apply:

1. Location – Access
Locations shall be as provided in these regulations. Each such use shall have sufficient highway frontage to permit proper access design and shall have a minimum lot size of two (2) acres.

2. Setback
No structure or device containing sleeping quarters shall be located within fifty (50) feet of the right-of-way of any public street or highway.
3. Off-Street Parking, Loading
No parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk or thoroughfare.
4. Spacing
Spaces shall be dimensioned and arranged so that no portion of any unit shall be within fifteen (15) feet of any portion of any other unit or building.
5. Utilities
Utilities shall be provided in accordance with applicable State regulations.
6. Internal Streets
 - a) Internal streets of privately-owned parks shall be privately owned and maintained and shall be designed for safe and convenient access to all space and facilities.
 - b) Surfacing and maintenance shall provide sound all-weather driving surface, free from mud, excessive dust and standing water.
 - c) All traffic into and out of the park shall be through marked exits and entrances. No material impediment to visibility shall be created which obstructs the view of drivers on public highways or streets.
7. State Sanitary Code Requirements
In addition to the requirements herein, every travel trailer park shall be established and operated under permit as required by the New York State Sanitary Code and shall be in full compliance with all applicable provisions of said Code.

418: JUNK YARD CONTROL

Junk yards and equivalent businesses shall be screened with an eight (8) foot fence or foliage of equal height of such density so as to act as a screen. The screen shall be ten (10) feet from adjoining properties. The screen shall be adequately maintained at all times. Used sheet metal, old doors, and other scrap materials shall not be deemed acceptable screening material.

419: WIND TOWER CONTROL

Can be very technical. Need to get some examples from Greg.

420: LAND FILLS; NATURAL GAS AND OIL DRILLING CONTROL

Are regulated by DEC, so local governments are limited in what you can regulate.

421: ADULT BUSINESSES

Need to adopt a law like the village of Bath passed.

422: TELECOMMUNICATIONS TOWERS

Are regulated by a Federal Law. So we are Limited on what we can propose.

ARTICLE V

NON-CONFORMING USES

500: NON-CONFORMING USES, LOTS, STRUCTURES

Lots, structures, uses of land and structures and characteristics of use which lawfully existed at the time of the enactment of these regulations and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions.

1. Intent – It is the intent of these regulations to permit non-conforming uses to continue until they are removed, but not to encourage their survival.
2. Enlargement – No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of these regulations.
3. Unsafe Structures – Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
4. Alterations – A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty (50) percent of the full value of said structure, unless the structure shall be changed to a conforming use.
5. Restoration – No non-conforming structure damaged by fire or other causes to the extent of more than seventy-five (75) percent of its full value shall be repaired or rebuilt except in conformity with the requirements of these regulations.
6. Discontinuances – Whenever a non-conforming use has been discontinued for a period of one (1) year, use shall not thereafter be in conformity with the provisions of these regulations.
7. Changes – Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.
8. Moving – Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved.

501: EXISTING UNDERSIZED LOTS OF RECORD

1. Any recorded lot held in single and separate ownership prior to the adoption of these regulations and whose area and/or width and/or depth are less than minimum requirements specified herein for the district, may be considered as complying with these regulations and no variance therefore shall be required, provided that:
 - a) Such lot does not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for that district;
 - b) The minimum yard requirements set by these regulations are met.
2. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.
3. A lot of non-conforming size may be sub-divided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

ARTICLE VI

ADMINISTRATION

600: ENFORCEMENT

CODE ENFORCEMENT OFFICER

The duty of administering and enforcing these regulations is hereby conferred upon the Code Enforcement Officer, who shall have such powers as are conferred upon him by these regulations and as may reasonably be implied. He shall be appointed by the Town Board and shall receive such compensation as said Board shall determine.

DUTIES OF THE CODE ENFORCEMENT OFFICER

For the purpose of these regulations, the Code Enforcement Officer shall have the following duties:

1. To issue land use permits in compliance with the provisions of these regulations;
2. Upon finding that any provision of these regulations is being violated, he shall notify in writing the person responsible for such violation and the action necessary to correct said violation;
3. Order discontinuance of illegal uses of land, buildings or structures;
4. Order removal of illegal buildings or structures, or illegal additions or structural alterations;
5. Order discontinuances of any illegal work being done; or
6. Take any other action authorized by these regulations to assure compliance with or prevent violations of these regulations;
7. Submit a written monthly report to the municipal board describing and enumerating actions taken and permits issued under these regulations.

610: PERMITS REQUIRED

1. Land Use Permit – No building or structure shall be erected, moved, added to or enlarged; nor shall any use of buildings or land be established or changed without a land use permit therefore issued by the Code Enforcement Officer in compliance with these regulations, unless the Code Enforcement Officer receives a written order from the Board of Appeals deciding an appeal on a variance.
 - a) Expiration of Permits
If the work for which a land use permit is issued has not begun within ninety (90) days from date of issuance, said permit shall expire.

If the work for which a land use permit has been issued has not been substantially completed within two (2) years of the date of the permit, said permit shall expire.
2. Certificate of Land Use Compliance – A Certificate of Land Use Compliance is required for any of the following:
 - a) Occupancy and use of buildings hereafter erected, altered, moved or extended.

- b) Change in the use of an existing building.
- c) Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil or similar customary agricultural use.

615: APPLICATION PROCEDURE

Applications for land use permits and Certificates of Land Use Compliance shall be submitted to the Code Enforcement Officer on forms provided by him. Such permits and Certificates shall be issued only in conformance with all the provisions of these regulations.

616: APPLICATION CONTENT

Each application shall set forth the purpose for which the structure is intended and shall be accompanied by a plot plan, scale drawings and/or sketches and descriptions of the lot, building dimensions of required yards and such other information as may lawfully be required by the Code Enforcement Officer.

The Code Enforcement Officer shall make or cause to have made an inspection of each building, structure or lot for which a Certificate of Land Use Compliance has been applied before issuing such Certificate.

The original copy of such plans and/or illustrative and explanatory material shall be filed at the Town Hall.

620: BOARD OF APPEALS

CREATION, APPOINTMENT AND ORGANIZATION

A Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board who shall also designate a Chairman. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years. Thereafter, members shall be appointed for five(5) years from and after the expiration of terms of their predecessors in office. If a vacancy shall occur other than by expiration of a term, it shall be filled by the Town Board by appointment for the unexpired term.

POWERS AND DUTIES

The Board of Appeals shall have all the powers and duties prescribed by the Town Law of the State of New York and by these regulations which are more particularly specified as follows:

a) Administrative Review

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer in the enforcement of these regulations.

The Board shall hear and decide appeals where it is alleged that the Code Enforcement Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of these regulations.

b) Interpretation

Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of these regulations, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

c) Special Use Permits

To hear and decide only such special permits as the Board of Appeals is specifically authorized to pass on by the terms of these regulations; to decide such questions as are involved in determining whether such permits should be granted; and to authorize such permits with such conditions and safeguards as are appropriate under requirements herein, or to deny said permits when not in harmony with the purpose and intent of these regulations.

d) VariANCES

May authorize upon appeals in specific cases such variances from the terms of these regulations as will not be contrary to the public interest as provided for in Section 650 herein.

STAFF

The Board of Appeals may employ such staff assistance as may be necessary and prescribe their duties, provided that at no time shall expenses be incurred beyond the amount of the appropriations made by the Town Board for such use and then available for the purpose.

PROCEDURE – BY-LAWS – FORMS

The Board of Appeals shall have the power to make and adopt such written rules of procedure, by-laws and forms as they may deem necessary for the proper execution of their duties and to secure the intent of these regulations.

Such rules, by-laws and forms shall not be in conflict with nor have the effect of waiving any provision of these regulations or any other regulations of the Town of Woodhull.

REFERRALS REQUIRED

At least ten (10) days prior to the date of any hearing by the Board of Appeals, notice shall be given to the Regional State Park Commission having jurisdiction over any State park or parkway within five hundred (500) feet of any property affected by such appeal and to the Steuben County Planning Agency for any action affecting property within five hundred (500) feet of the boundary of any city, village or town, or from the boundary of any County or State park or other recreation area or from the right-of-way of any County or State highway, or from the right-of-way of any stream or drainage channel owned by the County or for which the County established channel lines, or from the boundary of any County or State-owned land on which a public building or institution is situated.

If the County Planning agency disapproves the proposal or recommends modification thereof, the municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by a majority plus one vote of the members thereof and after the adoption of a resolution full setting forth the reason for such contrary action.

SPECIAL PERMITS – PLANNING BOARD REFERRALS

Where these regulations provide for the authorization of special permit uses pursuant to expressed standards and criteria, the Board of Appeals shall hear and decide requests for each special use by the following procedure:

At least sixty-two (62) days before the date of the hearing held in connection with any application submitted to the Board of Appeals, said Board shall transmit to the Planning Board a copy of said application and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application. The Planning Board shall submit a report of such advisory opinion prior to the date of said public hearings. The failure of the Planning Board to submit such33333 report shall be interpreted as a favorable opinion for the application. The Planning Board shall review the application for compliance with standards and criteria and provisions of these regulations. In the case of any matter requiring an advisory report by the Planning Board, the Board of Appeals shall advise the Planning Board in writing of the actions taken and the reasons therefor.

MEETINGS

All meetings of the Board of Appeals shall be open to the public and shall be held at the call of the Chairman and at other times as the Board may determine. The concurring vote of a majority of all members of the Board shall be necessary to decide any matter on which the Board is required to rule.

RECORDS

The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact.

BOARD OF APPEALS OFFICE

The office of the municipal clerk shall be the office of the Board of Appeals, and every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in said office as required by Section 267 of the Town Law of the State of New York.

TIME LIMITS

The Board of Appeals shall set a reasonable time and date for the hearing of each appeal. Each appeal shall be decided within thirty (30) days of the final hearing.

STAY OF PROCEEDINGS

An appeal stays all proceedings in the furtherance of the action appealed from, unless the Code Enforcement Officer certified that by reason of facts a stay would, in his opinion, cause imminent peril to life or property in which case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on an application, on notice of the Code Enforcement Officer and on due cause shown.

635: FEES

Fees shall be paid at the office of the Code Enforcement Officer upon the filing of an application.

Fees would have to be updated yearly by the Town Board.

Land Use Permits & Certificates of Land Use Compliance

Appeals for a Variance

Application for Special Permit

Application for Amendment of these Regulations or Map

No action will be taken on any application or appeal until applicable fees have been paid.

640: VARIANCES AND SPECIAL PERMITS PROCEDURE

The Board of Appeals shall act in strict accordance with the procedure specified by law and by these regulations. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board and available from the Code Enforcement Officer. Every appeal or application shall refer to the specific provision of these regulations involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit or variance is sought, or the details of the variance that is applied for, and the grounds as the case may be.

645: NOTICE OF BOARD OF APPEALS HEARINGS

The Board shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Such notice shall be by the publication of a notice in the official newspaper of the Town and shall briefly describe the nature of the appeal and the time and place of the hearing.

1. Public Hearing – A notice shall be given at least ten (10) days in advance of a public hearing. The owner of the property for which such special permit or variance is sought or his agent shall be notified by mail.
2. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
3. The Board of Appeals shall make a finding that it is empowered under the section of these regulations described in the application to grant the special permit or variance, and that the granting of the special permit or variance will not adversely affect the public interest.
4. Relief from Decisions – Any person or persons jointly or severally, aggrieved by any decision of the Board of Appeals or any officer, department, Board or bureau of the Town, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after filing of a decision in the office of the Town Clerk.

650: STANDARDS FOR VARIANCE

1. Area Variances
 - a) The Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer to grant area variances. An area variance shall mean the authorization by the Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of these Regulations.
 - b) In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall consider:
 - 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance;
 - 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - 3) whether the requested variance is substantial;
 - 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
 - 5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - c) The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.
- 2) Use Variances
 - a) The Board of Appeals shall have the authority to issue use variances. A use variance is the authorization for the use of land for a purpose which is otherwise not allowed by, or prohibited by, these regulations.
 - b) No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - 1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence:

- 2) the alleged hardship relating to the property in questions is unique, and does not apply to a substantial portion of the district or neighborhood;
 - 3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - 4) that the alleged hardship has not been self-created.
- 3) Imposition of Conditions – The Board of Appeals shall, in the granting of both area variances and use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of these Regulations, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

4.5.2 APPEAL FOR VARIANCE – PROCEDURES

(1) Submittal

An appellant may obtain from the Town Clerk an “Appeal for a Variance”. The completed form shall identify the particular provision of these Regulations from which relief is sought and shall be accompanied by the required fee, and materials in support of the appeal as provided in Section 5.6. It shall be submitted to the Town Clerk, who shall inform the Code Enforcement Officer. The Officer shall then promptly send the Appeal and all records of matter in his file to the Board of Appeals. The appeal shall stay action on the matter, unless the Code Enforcement Officer certifies to the Board of Appeals that for stated reasons in his judgment such stay would cause imminent peril to life or property. The Appeal shall be deemed to have been submitted to the Board as provided in paragraph (2) (b) or paragraph (3) of Subsection 4.8.3.

(2) Review

- (a) Environmental Quality Review – Promptly after receiving an Appeal, the Board of Appeals/Planning Board shall undertake environmental quality review (SEQR) in accordance with Section 4.8. After completing SEQR review, the Board shall finish their action on the Appeal.
- (b) Referral to County Planning Agency – When an Appeal pertains to premises within five hundred (500) feet from a boundary of the Town or from a County or State road, or from a County or State park or other recreation area, the Board of Appeals shall send a copy of the Appeal to the Steuben County Planning Agency for review and recommendation as provided for in paragraph (2) of Subsection 4.2.3.

(3) Hearing

- (a) The Board of Appeals shall promptly set a date for public hearing of an Appeal, mail notice thereof to the appellant and to the Code Enforcement Officer, publish notice thereof in the official newspaper of the Town, and issue any other notice the Board may choose, at least five (5) days prior to such date. At the hearing relevant information may be presented by interested persons. The Chairperson may compel attendance of witnesses and administer oaths thereto. Minutes of the proceedings shall become part of the record.
- (b) At the hearing, the appellant may be represented by counsel, and may supplement his written Appeal.

(4) Decision and Order

- (a) Time – The Board shall issue their decision within sixty-two (62) days following the close of the public hearing. Copies shall be sent promptly to the appellant, Code Enforcement Officer, and Town Clerk.
- (b) Vote – The affirmative vote of a majority of the members of the Board shall be necessary to grant a variance, except that when the County Planning Agency recommends denial or conditional approval of the appeal, the Board of Appeals shall not act to the contrary except by concurring vote of a majority plus one of the members thereof adopting a Resolution fully setting forth the reasons for their decision.
- (c) Order – When the Board grants relief, an Order of Variance shall be directed to the Code Enforcement Officer, fully describing the variance granted. The Order shall become effective promptly, shall be observed strictly, and shall be enforceable in the same manner as any provision of these Regulations.
- (d) Lapse – A Variance authorized by the Board of Appeals that is not exercised within one year from the date of issuance shall expire without further action by the Board.

655: EXPIRATION

Any variance authorized by the Board of Appeals that is not exercised within one (1) year from the date of issuance shall expire automatically without a further hearing by the Board.

660: STANDARDS FOR SPECIAL PERMITS

Before any special permit shall be authorized, the Board of Appeals shall make written findings certifying compliance with the specific rules governing individual special permits and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-highway parking, loading spaces, surfacing and drainage, and landscaping, where required with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special use on adjoining properties and properties generally in the district; and the following:

OFF-HIGHWAY PARKING

TYPE OF USE	PARKING SPACES REQUIRED
<u>RESIDENTIAL:</u>	
1. Family units of any type	Two for each dwelling unit, garage space may be counted towards requirement.
2. Apartment hotels, apartments	One and one-half (1 ½) for each unit
3. Lodging houses, rooming houses	One for each sleeping room or one for each permanent occupant.
<u>COMMERCIAL:</u>	
1. Gasoline stations, automobile service stations which also provide repair	One for each fuel pump and two for each service bay.
2. Hotels, motels	One per each living or sleeping unit plus one for each two employees.
3. Retail stores, banks, professional offices	One for each 250 sq. ft. of floor area.
4. Restaurants, taverns, night clubs	One for each 2.5 seats plus ne for each two employees.
5. All other types of business or commercial uses	Five and one-half (5 ½) spaces per each 1,000 sq. ft. of gross floor area.
<u>RECREATIONAL or ENTERTAINMENT:</u>	
1. Bowling alleys	Five for each alley plus one additional space for each 100 sq. ft. of the area used for restaurant, cocktail lounge, or similar use.
2. Outdoor swimming pools, public or club	One for each 5 persons' capacity.
3. Auditoriums, sport arenas, theaters, membership clubs, and similar uses	One for each 3 seats.
4. Golf courses	Four for each tee.
5. Skating rinks	One for each 250 sq. ft. of skating area.

<u>INSTITUTIONAL:</u>	
1. Churches and places of religious assembly	One for each 5 persons' capacity.
2. Hospitals, sanitariums, nursing homes, childrens' homes & similar uses	One for each 3 beds plus one for each employee
3. Medical & dental clinics	One for every 200 sq. ft. of floor area.
4. Libraries, museums & art galleries	One for each 400 sq. ft. of floor area
<u>INDUSTRIAL:</u>	
1. All types of manufacturing, storage & wholesale	One for every 2 employees on the largest shift for which the building is designed, plus one for each motor vehicle used in the business.

For uses not specifically listed, the requirements for off-highway parking shall be determined by the Board of Appeals.

LOADING SPACES

One off-highway loading space shall be provided and maintained on the same lot for every establishment requiring more than one truck delivery per day.

A loading space shall have a minimum dimension of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas. Height clearance shall not be less than fifteen (15) feet. Off-highway loading areas shall not encroach on any required front or side yards, access way or off-highway parking area.

The location, number, size and design of loading spaces and access ways thereto shall be approved by the Board of Appeals prior to the issuance of a Land Use Permit or certificate of occupancy by the Code Enforcement Officer.

SURFACING AND DRAINAGE

The required parking and loading spaces shall be improved with acceptable wearing surface providing dust-free surface. Proper drainage shall be provided to prevent ponding of water.

The property owner shall maintain parking and loading areas in good condition, free of holes, dust, trash and debris.

LANDSCAPING

At least eight percent (8%) of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line and any parking lot for more than twenty (20) cars, shall be screened by a fence six (6) feet wide or designed as to form a visual screen from the adjoining property. All parking areas and landscaping shall be properly maintained thereafter in a slightly and well kept condition.

- a) Refuse and service area, with particular reference to the items in (1) and (2) above;
- b) Utilities, with reference to locations, availability and compatibility;
- c) Screening and buffering with reference to type, dimensions, and character;

- d) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- e) Required yards and other open space;
- f) General compatibility with adjacent properties and other property in the district and in accordance with the general or specific objectives of the municipal Comprehensive Plan and these regulations;
- g) Be designed, constructed and operated to be in harmony with the intended character of the area and be such that it will not change the general character of the area;
- h) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance;
- i) Evaluation of traffic generating characteristics of proposed uses in relation to the traffic carrying capacity of the road on which said use is proposed to be located.

In authorizing any special permit, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these regulations. Violations of such conditions and safeguards when made part of the conditions under which a special permit is granted shall be a violation of these regulations.

665: EXPIRATION OF SPECIAL PERMITS

A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.

670: EXISTING VIOLATIONS

No special use permit shall be issued for property where there is an existing violation of these regulations.

675: NOTICE OF VIOLATIONS

The Code Enforcement Officer shall serve a Notice of Violation or order on the person responsible for the erection, construction, alteration, extension, use or occupancy of any building, structure, or land in violation of the provisions of this regulation; or in violation of a permit or certificate issued under these regulations; and such order shall direct discontinuance of the illegal action or condition and abatement of the violation.

680: PROSECUTION OF VIOLATIONS

If the Notice of Violation is not complied with within the time specified, the Code Enforcement Officer shall request the legal counsel for the municipality to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the buildings, structure of land in violation of the provisions of this regulation or direction made pursuant thereto.

685: COMPLAINTS OF VIOLATIONS

Whenever a violation of this regulation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Code Enforcement Officer. Said Officer shall record properly all such complaints, immediately investigate, and take action thereon as provided herein.

690: ADMINISTRATIVE INTENT

It is the intent of this regulation that all questions of enforcement and interpretation shall first be presented to the Code Enforcement Officer and that such questions shall be presented to the Board of Appeals only upon appeal from the decision of the Code Enforcement Officer, and that recourse from the decision of the Board of Appeals shall be to the courts as provided by law.

695: ABATEMENT OF VIOLATIONS

The imposition of the penalties herein prescribed shall not preclude the legal counsel of the municipality from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to stop an illegal act, conduct, business or use of a building, structure, land or premises.

ARTICLE VII

AMENDMENTS

700: PROCEDURE

The Town Board may, from time to time, on its own motion or on petition or on recommendation from the Planning Board, amend the regulations and districts established under these regulations after public notice and hearing in each case. All petitions for any amendment of the regulations or districts herein established shall be filed in writing in a form required by the Town Board.

710: ADVISORY REPORT BY PLANNING BOARD

Every proposed amendment unless initiated by the Planning Board, shall be referred to the Planning Board. The Town Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations prior to the public hearing. If the Planning Board fails to report within a period of sixty-two (62) days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report.

715: PUBLIC NOTICE AND HEARING

The Town Board by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

1. By publishing a notice of the proposed amendments and the time and place of the public hearing in the official newspaper of the Town, not less than ten (10) days prior to the date of public hearing.
2. County Referral – By giving written notice of hearing to any required municipal, County or State agency in the manner prescribed by Article 12-B, Section 239 of the General Municipal Law. If such County Planning agency disapproves the proposal or recommends modification thereof, the municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by a majority vote plus one of all the members and upon the adoption of a resolution fully setting forth the reasons for such contrary action.

720: PROTEST BY OWNERS

If a protest against a proposed amendment is presented to the Town Board duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the area of land directly opposite thereto, such amendment shall not be passed except by the favorable vote of a majority plus one of the members of the Town Board.

725: PUBLICATION AND POSTING

Every amendment to these regulations, including any map incorporate therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board and a copy thereof exclusive of any map incorporated therein shall be published once in the official newspaper of the Town and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Town Clerk pursuant to the Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.

730: PERIODIC REVIEW

When these regulations shall have been in effect for one (1) year and each successive five (5) years thereafter, a review committee consisting of the Board of Appeals, the Planning Board and the Code Enforcement Officer shall review these regulations in their entirety and submit a report to the Town Board recommending needed amendments of these regulations.

ARTICLE VIII

INTERPRETATION AND APPLICATION

800: INTERPRETATION

In this interpretation and application the provision of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare.

Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

805: SEPARABILITY

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

810: VIOLATIONS AND PENALTIES

A violation of these regulations is an offense punishable by a fine not exceeding \$50 or by imprisonment for a period not exceeding sixty (60) days, or both.

815: EFFECTIVE DATE

These regulations shall be in effect upon its passage, posting and publication as provided by law.

ARTICLE IX

DEFINITIONS

900: WORD TERMS AND DEFINITIONS

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Words used in the present tense include the future tense.

The singular includes the plural.

The word “shall” is mandatory.

The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied.

The word “lot” includes the words plot or parcel.

910: DEFINITIONS

ACCESSORY USE or STRUCTURE: A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure.

AGRICULTURE: The use of land for agricultural purposes including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that such uses shall not include the commercial feeding of garbage and offal to swine or other animals.

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

BUILDING: Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of person, animals or chattel.

CAMPGROUND: A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

CHANNEL (STREAM BED): A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodic flowing water.

COMMUNITY: Town of Woodhull.

DWELLING: Any building or portion thereof designed or used exclusively as a residence or sleeping place of one (1) or more persons, including a mobile home.

SINGLE FAMILY: A detached residential dwelling designed for and occupied by one family only

TWO-FAMILY: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

MULTIPLE-FAMILY: A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

MOBILE HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of “mobile home” as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3828.7(a)).

SEASONAL HOME: A dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner, including beach cottages, hunting cabins, vacation cottages, summer cottages and vacation lodges.

DWELLING UNIT: One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

GARAGE, PRIVATE: An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted therein.

HABITABLE FLOOR: Any floor usable for living purposes, which includes sleeping, eating, cooking, or recreation, or combination thereof. A floor used only for storage purposes is not “habitable”.

JUNKYARD: A lot, land or structure, or part thereof, used for the collection, storage or sale of waste paper, rags or discarded materials; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

- a) A “second-hand car or machinery business” is one in which a partnership, person or corporation purchases a used car or like vehicles or used machinery capable of being repaired, rebuilt or otherwise worked up to be capable of resale and the same being purchased for the purpose of resale. But nothing herein shall be construed so as to require a license on behalf of new car or new machinery dealers.
 - (1) The term “auto” shall mean passenger auto, truck, tractor truck, trailer, and bus.
 - (2) The term “vehicle” shall include motorcycles and other carriers manufactured for use on the highway as well as tractor, bulldozers and similar farm or commercial equipment.
 - (3) Machinery shall include any apparatus for farm, commercial or home use having a complex combination of mechanical parts.
- b) Non-licensed and inoperative used cars shall include any and all vehicles required to be licensed by the State of New York under the Vehicle and Traffic Law of the State of New York.
- c) Junk shall include old iron, copper, copper wire, brass, brass car journals, pig or pigs of metal, bronze or bronze castings, or parts thereof, or other old metal, rope, bottles, bones, tin ware, rubber, bagging paper, rags, cordage, parts or machinery or any other old thing; which from their worn condition renders it relatively useless for the purpose for which it was made.

LAND USE COMPLIANCE CERTIFICATE: A certificate issued by the Code Enforcement Officer stating that a structure or the use thereof is in compliance with these regulations.

LAND USE DISTRICT: A geographic subdivision of and with the Town of Woodhull as delineated on the Land Use District Map for which the requirements of these regulations governing the uses, densities, yards, etc., are uniform therein.

CODE ENFORCEMENT OFFICER: The official designated to administer and enforce these regulations.

LAND USE PERMIT: A document issued by the Code Enforcement Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with these regulations.

LOADING SPACE, OFF-HIGHWAY: Space logically and conveniently located for bulk pickups and deliveries scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-highway parking spaces are filled.

LOT: For the purposes of these regulations, a lot is a parcel of land of at least sufficient size to meet minimum land use requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public highway and may consist of:

- a) A single lot of record;
- b) A portion of a lot of record;
- c) A combination of complete lots of record; complete lots of record and portions of lots of record; or portions of lots of record;
- d) A parcel of land described by metes and bound, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these regulations.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the highway. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to highways shall be considered frontage, and yards shall be provided as indicated under “YARDS” in these regulations.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Steuben County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: The distance between the two side lot lines measured at the required setback line.

MOBILE HOME PARK or MOBILE HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

NON-CONFORMING USE: A building, structure or use of land existing at the time of enactment of these regulations and which does not conform to the regulations of the land use district in which it is located.

PERSON: Includes any individual or group of individuals, corporation, partnership, association or any other organized group of persons, including local governments and agencies thereof.

SPECIAL PERMIT USES: Those particular uses which are specifically permitted in a given district only when specific criteria enumerated herein is applied in such a manner so as to carry out the intent of these regulations.

STREET LINE: The right-of-way line of a street.

STRUCTURE: A walled or roofed building, including gas or liquid storage tank, that is principally above ground, as well as mobile homes.

STRUCTURE, AGRICULTURAL: Customarily non-residential farm structures including barns, silos, storage sheds, corn cribs, grain bins, milk houses, animal pens and similar structures when used in connection with agricultural activities.

SUBDIVISION: An area of land divided by owners or agents, either by lots or by metes and bounds, into lots or parcels two or more in number for the purpose of conveyance, transfer, improvement or sale of one or more.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

TOWN BOARD: The governing body of the Town of Woodhull.

YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard.

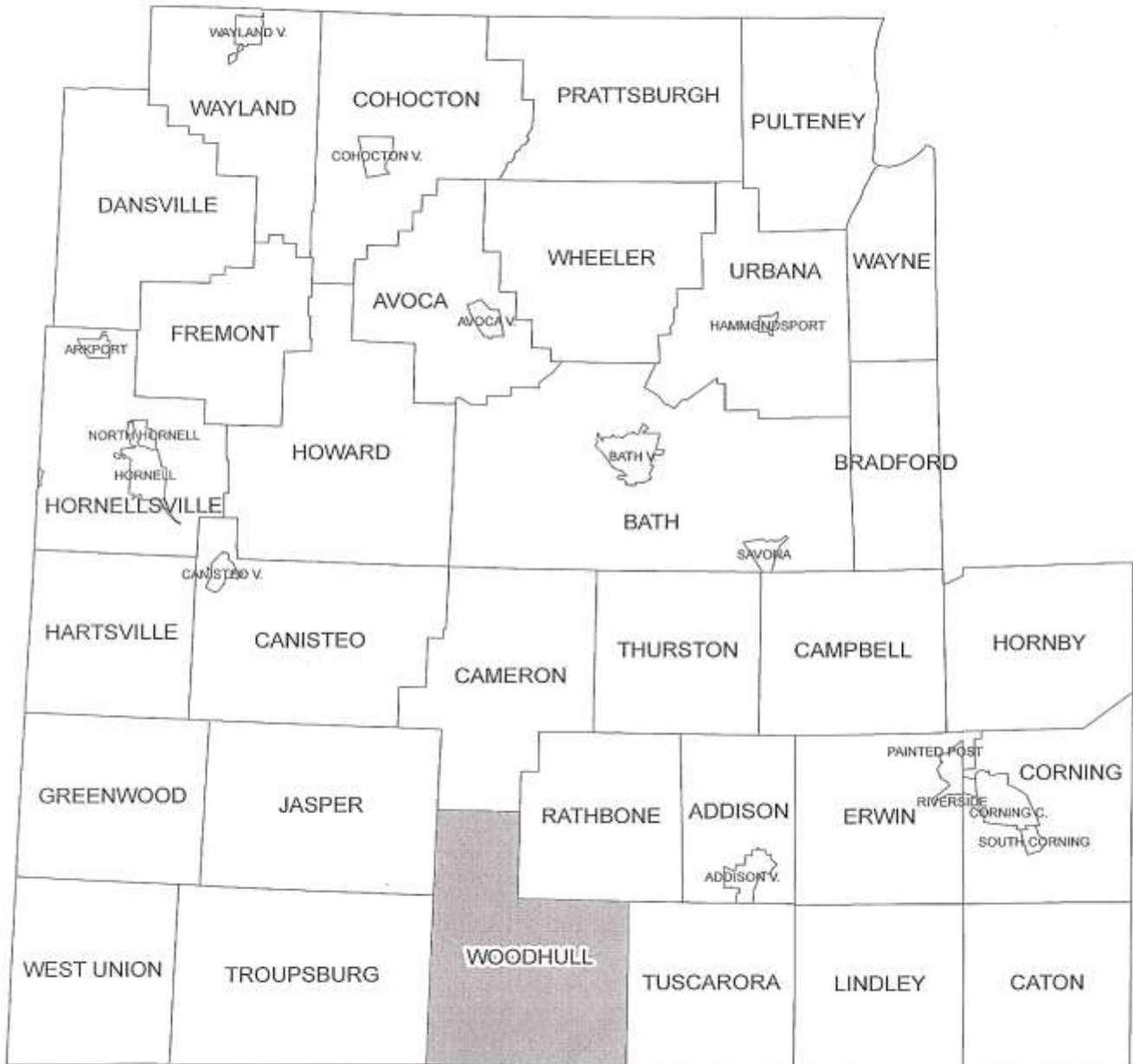
YARD, FRONT: A space extending between side lot lines across the front of a lot adjoining a public highway measured from the highway right-of-way.

YARD, SIDE: A yard extending from the rear line of the required front yard to the rear lot line or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the highway. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

YARD, REAR: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

YARD, SPECIAL: A yard behind any required yard adjacent to a highway, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "SIDE YARD" nor the term "REAR YARD" clearly applies. In such cases, the Land Use Office shall require a yard with the minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

STEUBEN COUNTY, NY



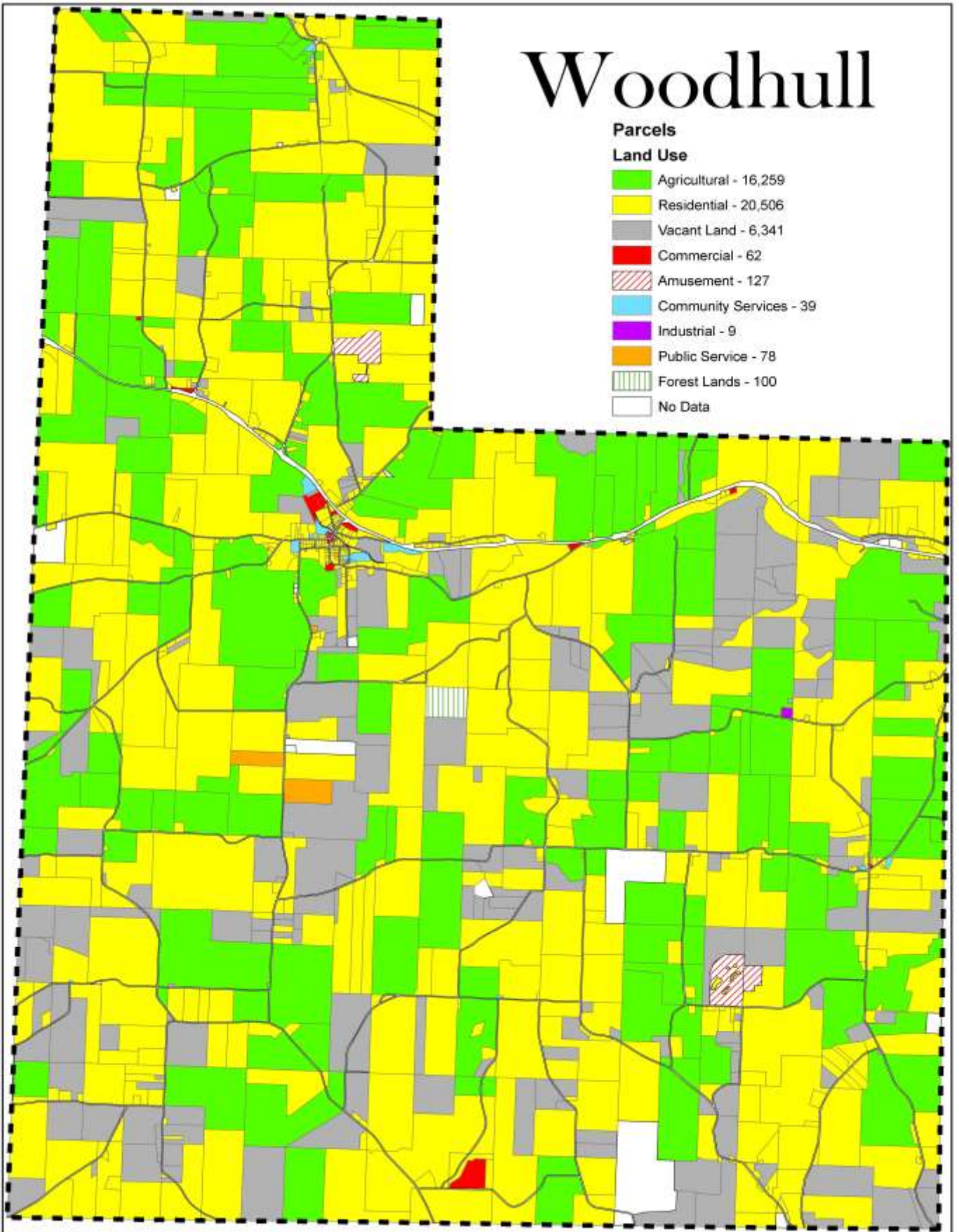
Location of Woodhull

Woodhull

Parcels

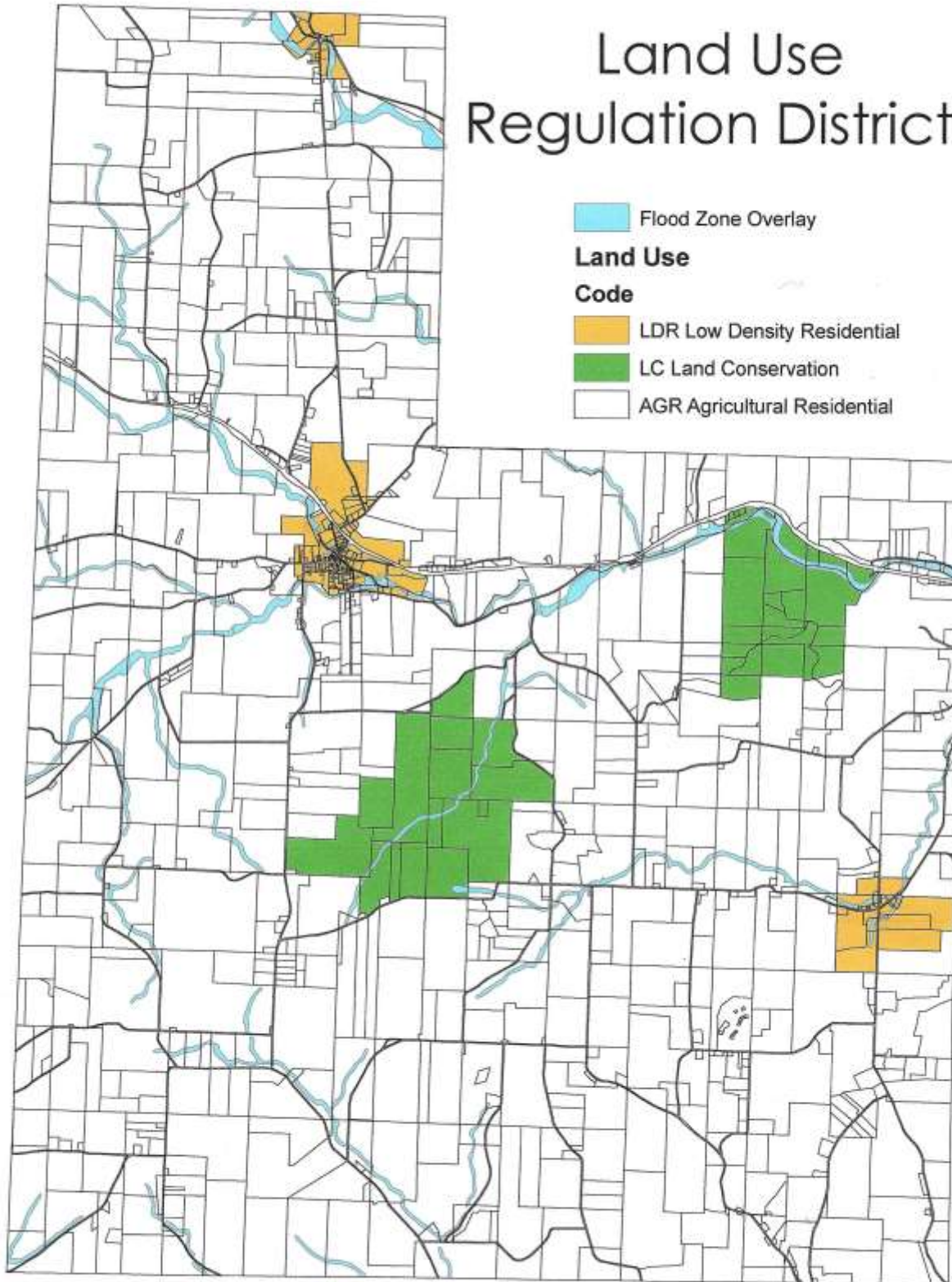
Land Use

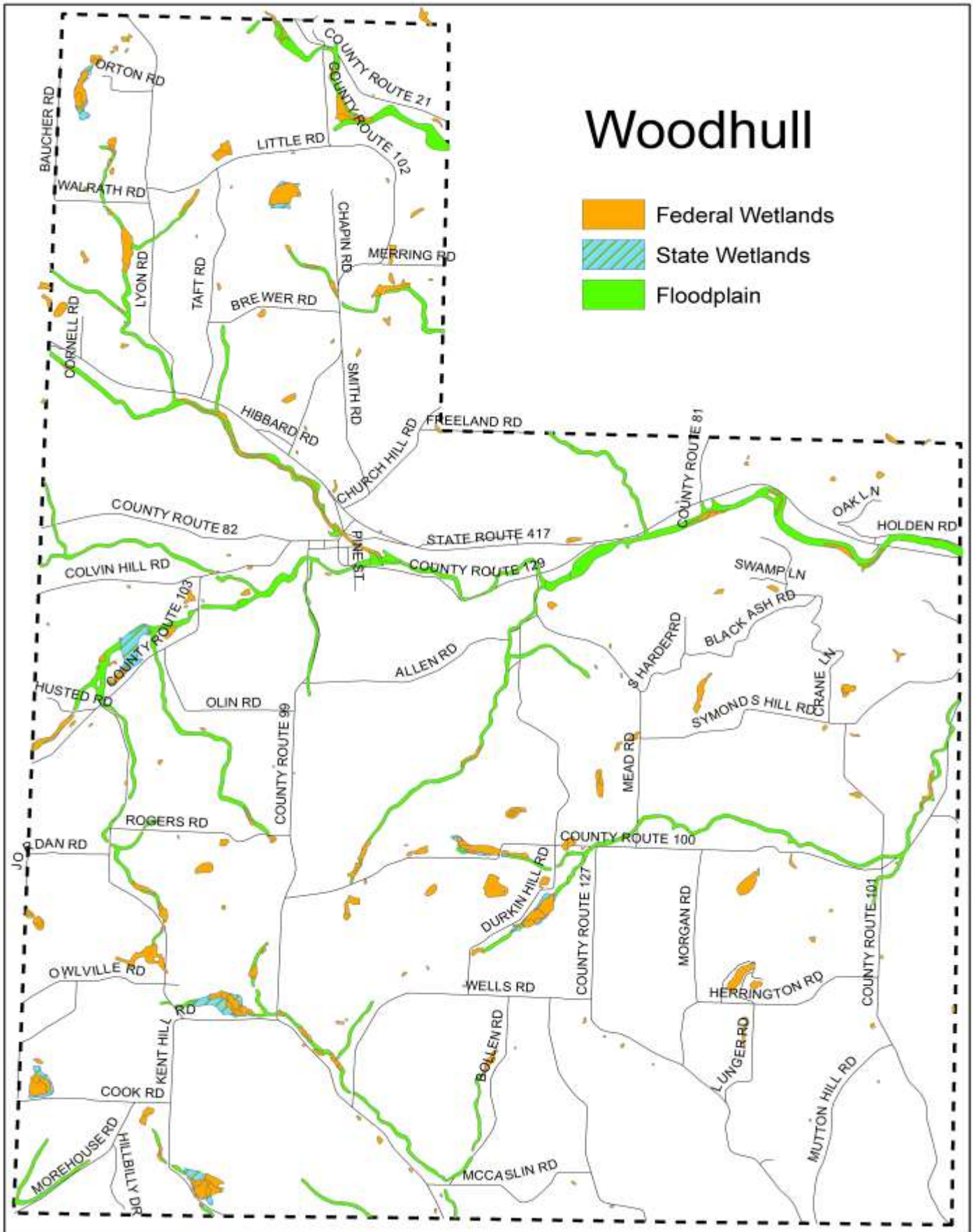
-  Agricultural - 16,259
-  Residential - 20,506
-  Vacant Land - 6,341
-  Commercial - 62
-  Amusement - 127
-  Community Services - 39
-  Industrial - 9
-  Public Service - 78
-  Forest Lands - 100
-  No Data



Town of Woodhull

Land Use Regulation Districts





Woodhull

Road Centerlines

-  COUNTY
-  PRIVATE
-  STATE
-  TOWN

