

A LOCAL LAW REGULATING BUILDING LOTS
WITHIN THE TOWN OF NANTICOKE

Be it enacted by the Town Board of the Town of Nanticoke as follows:

Section 1 Purpose and Intent

1.1 The purpose and intent of this law is to protect the health, air, safety and general welfare of the Town of Nanticoke and to minimize air, surface and ground water pollution which may affect human, animal, or plant life and other health and safety issues.

Section 2 Definitions

2.1 For the purpose of this local law, words used in the present tense include the future; the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; the word "street" shall include the word "road; and the word "occupied" includes the words "designed for occupancy" or "intended to be occupied". The words "law", "regulation", and "ordinance" include all subsequent revisions and/or amendments. Also, for the purpose of this local law, certain terms and words are defined as follows:

- ACCESSORY BUILDING:** Any building which is secondary and supplemental in purpose to a principal building, located on the same lot, and used for the purpose customarily incidental and ancillary to those of the principal building. Customary accessory buildings include but are not limited to: garage, tool shed, kennel, and gazebo.
- BUILDING:** Any non-temporary structure which requires a building permit, covered by a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, chattel, or goods.
- COVERAGE:** That portion of the total lot area covered or occupied by the buildings.
- FAMILY:** One or more persons occupying the premises and living as a single housekeeping unit in one dwelling unit.
- FRONT LOT LINE:** The lot line that abuts a public road, street, or highway. In the case of a corner lot abutting two or more public roads, streets or highways; the longest lot line abutting the roads, streets, or highways.
- INTENSIFICATION:** Any change(s) in a pre-existing building or lot that would increase a non-conformity in regards to minimum lot area, minimum lot width, minimum road frontage, or any other provisions of this local law.
- LOT:** A parcel of land occupied or capable of being occupied by a building or buildings and accessory building(s) and/or uses, including such open spaces as are required by this local law or other local law.
- LOT AREA:** The total area included within lot lines.
- LOT LINE:** The boundary of a lot.

LOT SIDELINE: Any lot line which is not the front lot line or the rear lot line.

LOT WIDTH: The shortest distance between the lot sidelines, as measured through the point of the building closest to the front lot line.

MULTIPLE FAMILY RESIDENCE: A detached building or portion thereof containing two or more residential units.

NON-CONFORMITY: A failure to comply with the provisions of this law.

NON-CONFORMING BUILDING: A building, or portion thereof, which does not completely conform with the regulations of this law.

NON-CONFORMING LOT: A lot which does not completely conform with the regulations of this law.

PLANNING BOARD: The Planning Board of the Town Nanticoke, Broome County, New York.

PRINCIPAL BUILDING: The building in which the principal use of the lot is conducted.

REAR LOT LINE: A lot line which is opposite the front lot line and connects the lot sidelines.

RESIDENTIAL UNIT: A building or portion thereof providing complete housekeeping facilities for one family.

ROAD FRONTAGE: That portion of a lot abutting the right of way of a public road, street or highway.

SINGLE FAMILY RESIDENCE: A detached building containing one residential unit.

Section 3 Issuance of a Building Permit

3.1 An application for a building permit shall contain evidence that the proposed project complies with the requirements of this local law and any other local law(s) and Broome County sanitation codes.

3.2 No building permit or certificate of occupancy shall be issued for projects not in compliance with 3.1 above.

Section 4 Building Requirements

4.1 PRINCIPAL BUILDINGS: Any principal building, placed, erected or constructed after the effective date of this law;

- (A) Shall not be placed within twenty-five (25) feet of any lot line or forty (40) feet from the edge of a public road, street or highway right-of-way.
- (B) Shall have a driveway leading from the road, street or highway with adequate parking for at least two (2) vehicles for each residential unit.
- (C) Shall have a minimum road frontage of seventy five (75) feet.
- (D) Shall have a minimum lot width of one hundred fifty (150) feet.
- (E) Shall be placed on its own lot, exclusive of any other buildings other than its accessory buildings.
- (F) Shall have a maximum coverage of thirty percent (30%).

4.2 SINGLE FAMILY RESIDENCE: Each single family residence and its accessory building(s) placed, erected, or constructed after the effective date of this law;

- (A) Shall be on a separate lot which has a minimum area of two (2) acres.
- (B) Shall meet the provisions of 4.1 above.

4.3 MULTIPLE FAMILY RESIDENCE: Each multiple family residence and its accessory building(s) placed, erected, or constructed after the effective date of this law;

- (A) Shall have a minimum lot size of two (2) acres plus one half (1/2) acre for each residential unit contained therein.
- (B) Shall have a minimum road frontage of one hundred (100) feet plus twenty five (25) feet for each residential unit contained therein.
- (C) Shall meet the provisions of 4.1 above.

4.4 OTHER PRINCIPAL BUILDINGS: Any principal building which is neither a single family residence nor a multiple family residence placed, erected, or constructed after the effective date of this law;

- (A) Shall be placed on a separate lot with a minimum area of two (2) acres.
- (B) Shall have a minimum road frontage of two hundred (200) feet.
- (C) Shall meet the provisions of 4.1 above.
- (D) Shall provide adequate parking so that all employees, volunteers, visitors, guests, patrons or customers may park their vehicles within the lot lines.

4.5 ACCESSORY BUILDING: Each accessory building placed, erected, or constructed after the effective date of this law;

- (A) Shall meet the provisions of 4.1 (A) above.

Section 5 Effect on Existing Building and Lots

5.1 The lawful use of any non-conforming building or non-conforming lot existing at the time of the effective date of this local law may be continued, although such use or building does not conform with the provisions of this local law.

5.2 In the event a non-conforming building has been removed or destroyed, this law will apply to building permits for the lot on which the removed or destroyed building existed when application for a building permit is made following a period of one (1) year after the building was removed or destroyed.

5.3 Any non-conforming lot in existence prior to the effective date of this local law may be used as a lot for building purposes even if all the requirements of this law can not be met. Any such lot shall comply with the provisions of the law wherever possible.

5.4 No intensification shall be allowed.

Section 6 Variances and Appeals

6.1 The Town of Nanticoke Planning Board shall have all the power and duties prescribed by law and by this Town Law which are particularly specified in, but not limited to, the following:

- (A) The Planning Board shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of this law. The Planning Board shall also hear and decide any other matters as allowed under the laws of the State of New York.
- (B) The Planning Board shall have the power to grant a variance to change or adapt the strict application of any of the requirements of this law. Especially in the case of exceptionally irregular, narrow, shallow, or steep lots or other variety of extreme physical conditions, where by strict application would result in difficulty or unnecessary hardship which would deprive the owner reasonable use of their land or building involved, but in no other case.

6.2 No variance, in the strict application of any provision of this local law, shall be granted by the Planning Board unless it finds:

- (A) There are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this local law would deprive the applicant of the reasonable use of such land or building.
- (B) For reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Planning Board is the minimum which will accomplish this purpose.
- (C) The granting of the variance will be in harmony with the general purpose and intent of this local law and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

6.3 The Planning Board shall act in strict accordance with the procedure specified by this Town Law. All appeal applications made to the Planning Board shall be in writing, on forms prescribed by the Planning Board. Every appeal or application shall refer to the specific interpretation that is claimed, or the details of the variance which is applied for and the grounds on which it is claimed the variance shall be granted, as the case may be.

6.4 Every decision of the Planning Board regarding said applications shall be filed with the Town Clerk.

6.5 The Town Board of the Town of Nanticoke shall set a fee for

making an appeal or variance request to the Planning Board. This fee shall be paid with the submission of an application for appeal or variance.

Section 7 Violations

7.1 A violation of this local law shall be subject to a fine not exceeding fifty dollars (\$50.00) or imprisonment for a period not to exceed fifteen (15) days, or both. In addition the Town of Nanticoke may maintain an action or proceeding in the name of the Town of Nanticoke in a court of competent jurisdiction to compel compliance with this local law or to restrain by injunction the violation of this local law or to require the violator to restore the non-conforming building or non-conforming lot as near as possible to their pre-existing condition. Each week's continued violation shall constitute a separate additional violation.

Section 8 Administration and Enforcement

8.1 This Local Law shall be administered by the Building & Fire Code Inspector and Code Enforcement Officer of the Town of Nanticoke. No permits or certificates shall be issued except where all provisions of this Local Law have been complied with or a written order for a variance is issued by the Planning Board as required by this Local Law.

8.2 All building permits shall be issued by the Building & Fire Code Inspector and Code Enforcement Officer after review by said official. In the event the application is rejected, the applicant may petition the Planning Board for review by following the provisions of this law.

Section 9 Validity and Conflicting Laws

9.1 The invalidity of any section or provision of this law shall not invalidate any other section or provision thereof nor any other valid application of such section or provision.

9.2 In the event this law conflicts with any other law in effect, the more stringent requirements will govern.

Section 10 Effective Date

10.1 This local law shall take effect immediately upon its approval by the Town of Nanticoke and its filing with the Secretary of State of the State of New York.