

A Local Law to amend the Town of Covert Land Management Ordinance, adopted pursuant to Town Law section 130:

SECTION ONE: PURPOSE

To promote and manage the orderly growth of the Town of Covert; to improve the quality of the natural and man-made environment; and to assure the health, safety, and general welfare of its residents, the Town Board of the Town of Covert has enacted the following Ordinance:

SECTION TWO – A: BUILDING PERMIT REQUIREMENTS

A copy of the Covert Land Management Ordinance shall be available on the website and at the office with the building permit applications.

A building permit shall be approved prior to construction, erection, alteration, addition to, replacement of, or installation of any building in the Town of Covert. Exterior routine maintenance and interior renovations, except where the number of dwelling units is changed, do not require a building permit. Dog houses, calf hutches, and bus stop shelters do not require a building permit.

The application for a building permit shall include: the location, area and dimensions of the real property on which the proposed building construction or alteration will take place; location of all rights-of-way; location and dimensions of all existing buildings located thereon; location and description of all existing overhead and underground utility lines; a description of the proposed construction, erection, alteration, addition to and/or installation and the estimated cost or market value thereof; and other pertinent information requested.

SECTION TWO – B: DEFINITIONS

- 1) The words used in this ordinance shall have the meaning commonly attributed to them. Questions regarding the interpretation of their precise meaning shall be determined by the Town Board of the Town of Covert.
- 2) Building is a structure designed and suitable for habitation or sheltering human beings and/or animals, sheltering or storing property, or for occupation and use for trade or manufacture.

- 3) The following are not to be included in the definition of building and are not governed by this Ordinance: dog houses, calf hutches, bus stop shelters, fences, docks, wharves, platforms, breakwaters, boat hoists (enclosed or not), and moorings.
- 4) Also not to be included in the definition of building under this Ordinance and therefore exempt from this Ordinance are any structures in, on, or over the waters of Cayuga Lake.

SECTION TWO – C: PREMISE ADDRESS NUMBER SIGNS

All residences in the Town of Covert, occupied or not occupied, (outside the Village of Interlaken) will be required to have a fire department sign conforming with their assigned 911 number, which can be obtained from the Seneca County 911 Address Clerk (telephone: 315-539-1921). The signs shall have the following characteristics:

- 1) The signs shall be 18 inches tall.
- 2) The signs shall be green in color with white reflective numbers.
- 3) Numbers shall be a minimum of 3 inches tall.
- 4) Numbers shall be placed on BOTH sides of the sign unless on a road which dead ends at the lake. In that case numbers shall face so they can be read as one travels from the main road.
- 5) Signs shall be placed on the same side of the road as the residences.
- 6) Signs may be attached to existing wooden posts, mailboxes or metal posts and will be a minimum of 30 inches off the ground to prevent snow from burying them in winter months.
- 7) It will be the owners' responsibility to maintain the signs in good repair.
- 8) Any new construction will be required to have a proper sign prior to being granted a certificate of occupancy by the county code enforcement officer.
- 9) Deviation from the requirements of this section shall be at the discretion of the Town's Code Enforcement Officer.

Upon noting a residence without a proper sign by any Town official or Fire Department member, The Town Clerk shall send to the homeowner of record a notice informing them of the violation. During the period of November 1st to April 15th homeowners shall have until May 1st to install a proper sign. During the period April 16 to October 31, the homeowner shall have 15 days to install the sign.

Any residential property owner, who does not install a proper sign by the prescribed date, shall have a sign installed either by the Interlaken Fire Department, Trumansburg Fire Department or the Covert Highway Department. The homeowner will be charged the cost of materials plus \$15.00 for installation with the funds going to the installing agency. Such cost shall be a lien on such lands and shall be assessed thereon and collected in the same manner as local municipal taxes are collected.

Where any type sign support method is expected to penetrate the ground, the owner/installer is required to call 811 (Dig Safely NY) to obtain further information with a process to identify any underground utilities (New York State Law).

SECTION THREE – A: BUILDING SITE AND SANITARY STANDARDS

- 1) For sites requiring the installation of a new water supply or a sewage disposal system, no building permit shall be approved contingent upon the applicant has produced a valid permit for the installation from the Seneca County Health Department in accordance with the Seneca County Watershed Code.
- 2) All buildings shall be set at an elevation that will provide drainage of surface water away from the building when final grading of the site is completed. All disturbed areas shall be graded and seeded.
- 3) The minimum lot area for each dwelling unit shall be one acre. Minimum lot area may be reduced to $\frac{3}{4}$ of an acre for parcels with access to a municipal water supply and preliminary septic system approval from the Seneca County Department of Health.
- 4) Each lot shall have a minimum of 200 feet frontage along any public road. Each lakeshore lot shall have a minimum of 100 feet frontage along the lakeshore. Each lot without lake frontage, or not on a public road shall have a minimum dimension of 200 feet.

- 5) All buildings except seasonal roadside stands shall be set back a minimum of 50 feet from all right-of-way lines for public roads. All buildings shall be set back a minimum of 20 feet from each side and rear lot line. All fences are exempted from setback standards.
- 6) The maximum height of any residential building shall be 35 feet, as measured from average midpoint of surrounding terrain where it meets the foundation of the structure.
- 7) All permanent housing units shall be securely fastened to the land.
- 8) All new permanent housing shall meet the minimum square footages of floor area and habitable spaces as required by the NYS Building Code and as enforced thru the Seneca County Department of Building and Fire Code Enforcement and have a minimum width of 24 feet.
- 9) There will be a limit of one dwelling structure per parcel.
- 10) Flag lots, a building lot shaped like a flag: the staff is a narrow strip of land, connected to a public right of way and with a minimum frontage and width of 50 feet, the flag portion shall have a minimum lot area of 1 acre for each dwelling unit. The right of way is not included in the figuring of this area. Proof must be shown of a legally designated right of way.

SECTION THREE – B: MULTIPLE FAMILY DWELLINGS

- 1) Definitions
 - a) Dwelling: Building, or part thereof, used as living quarters for one family. The terms dwelling, one family dwelling, two family dwelling, or multiple family dwelling shall not include a motel, hotel, boarding house, tourist home, single-wide mobile home, or similar structure, but shall include modular homes and double-wide mobile homes. A dwelling includes a seasonal dwelling, which is not used, or intended for permanent residence and which is not occupied for more than 6 months in each year.
 - b) Dwelling, One Family: Detached building designed for or occupied exclusively by one (1) family.
 - c) Dwelling, Two Family: Building designed for or occupied by two (2) families living independently of each other.

- d) Dwelling, Multiple Family: Building designed for, or occupied by three (3) or more families living independently of each other.
 - e) Family: One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.
- 2) Construction or conversion of an existing building into a Multiple Family Dwelling shall require a Special Permit. An application for a Special Permit will include the following:
- a) A map of the premises showing all structures, roadways, pathways, parking areas, recreation areas, utility, and exterior lighting installations.
 - b) The minimum lot size shall be 2 acres. Each additional dwelling unit beyond 3 units shall require an additional $\frac{1}{2}$ acre.
 - c) The minimum road frontage shall be 200 feet. Each additional dwelling unit beyond 3 units shall require an additional 40 feet of road frontage.
 - d) A minimum of 4 off street parking spaces shall be required for each dwelling unit.
 - e) A statement that all provisions of the State Multiple Residence Law are met.
 - f) The Special Permit fee, which will be set periodically by the Town Board.
 - g) The appropriate Environmental Assessment Form.
- 3) The Town Board will act on the application in the same manner as outlined in Section Six: Variances and Appeals of this Land Management Ordinance.

SECTION THREE – C: ELECTRICITY PRODUCTION SYSTEMS

- 1) Electricity production systems, including but not limited to solar, wind, natural gas, coal, and biomass, are subject to this Land Management Ordinance.
- 2) The Town of Covert has entered into a Memorandum of Understanding with Seneca County to utilize the New York State Unified Solar Permit, which regulates solar photovoltaic systems with a DC capacity of 25 kW or less. A copy of the Seneca County application must be submitted to the Town along with the application for the Town Building Permit.

- 3) Wind turbine towers shall have a maximum height of 100 feet, including blades. The minimum set back from all lot lines is the height of the tower plus 10 percent.
- 4) There will be a limit of one electricity production system per parcel. All electricity production systems with a DC capacity greater than 25 kW are prohibited.
- 5) Any facility that meets the definition of an incinerator under the regulations set forth by the New York State Department of Environmental Conservation is prohibited.

SECTION THREE – D: TOWERS and OTHER STRUCTURES OVER 35 Feet in Height

- 1) Towers and other structures over 35 feet in height are subject to this Land Management Ordinance.
- 2) All towers and other structures over 35 feet in height shall be set back a minimum of 1.5 times its maximum height from right-of-way lines for public roads, lot lines, utility or other easements of record, power lines, and navigable waterways.
- 3) The setback area of 1.5 times its maximum height from the tower or other structure described in paragraph 2 of this section shall be free of all buildings.

SECTION FOUR: SAFETY AND HEALTH HAZARDS AND PUBLIC NUISANCES

- 1) It shall be unlawful for any person to deposit or permit to be deposited any sewage, including gray water from washing machines, dishwashers, or any other appliance or machine, or gray water of any nature, in any ditch, waterway or body of water, or upon the ground within the Town.
- 2) It shall be unlawful for any person who owns or occupies any land or structure within the Town to fail to repair, correct or cease using any malfunctioning privy, sewer, drain, cistern, vault, waste water system, or septic system 24 hours after notice by the Town Board, Code Enforcement Officer, or Health Department that an unwholesome or unhealthy condition exists.

SECTION FIVE: ENFORCEMENT AND ADMINISTRATION

- 1) This Ordinance shall be enforced by a Code Enforcement Officer designated by the Town Board. An Alternate Code Enforcement Officer shall be designated by the Town Board for those occasions when the Code Enforcement Officer shall be unavailable for extended periods of time.

- 2) All applications for building permits shall be filed with the Town Clerk at the office.
- 3) Normal process time is within 48 hours (except Saturday and Sunday) from the time the application is filed with the Town Clerk. The Code Enforcement Officer shall examine the site and the application materials and approve, approve with conditions, or deny the requested permit. In the instance of permit denial, the reason will be set forth in writing to the applicant at the time of the denial. The Code Enforcement Officer may include in the permit a requirement for inspection at any point in the progress of construction or alteration.
- 4) For any inspection required by the conditions of the permit, the Code Enforcement Officer shall perform the inspection normally within 48 hours of the applicant's request for inspection.
- 5) The Seneca County Code Enforcement Officer shall have the responsibility of issuing a Certificate of Occupancy.
- 6) Building permits are valid for a period of one year from the date of approval. If construction is not completed within one year the permit may be extended in writing by the Code Enforcement Officer after review. If construction is not started within one year, a new permit must be obtained.
- 7) Fees for Building Permit Applications, Variance Applications and any other applications under this Ordinance shall be set by the Town Board on an annual basis.
- 8) The violation of any provision of this Ordinance shall be an offense punishable by a fine not to exceed \$250. Each day of continued violation shall constitute a separate offense.
- 9) In addition to the above penalties, the Town of Covert may also apply to any court of competent jurisdiction for an injunction to enjoin any person from a violation of this Ordinance.

SECTION SIX: VARIANCES AND APPEALS

- 1) Where there are unusual or unforeseen circumstances or hardship, the Town Board may, after a public hearing, grant variances from any of the provisions of this Ordinance except those related to the Seneca County Health Department.

- 2) Requests for variances and special permits shall be made in writing to the Town Clerk. Upon determining that the application is complete, the Code Enforcement Officer shall refer the application to the Planning Board for review and recommendation to the Town Board.
- 3) In considering a request for a variance, the Town Board shall be guided by the circumstances of the situation and the intent of the applicant, and shall act to protect the best interests of the community.
- 4) All appeals for an interpretation or variance from this Ordinance because of a denial of a building permit shall be in writing to the Town Board within 30 days of denial of the permit.
- 5) The proceedings on an application before the Town Planning Board and Town Board will be upon ten (10) days notice, including notice by mail to all property owners within one thousand (1000) feet of the proposed site. The public hearing before the Town Board will also require notice to be posted at the Town Office and advertised in the Town's official newspaper.
- 6) The Town Planning Board may request additional information from the applicant, if necessary for proper review, and shall make its recommendation, in writing, to the Town Board within 30 days. The Planning Board may recommend approval, approval with conditions, or denial of the appeal.
- 7) The Town Board shall render a written decision on the appeal within 30 days of receipt of the recommendation of the Town Planning Board. The Town Board may approve, approve with conditions or deny the appeal.
- 8) Any person or persons, jointly or severally aggrieved by any decision of the Town Board, or the Code Enforcement Officer, or any Officer or Department of the Town of Covert concerning a request for a variance or an application for a permit, may have the decision reviewed in the manner provided by Article 78 of the Civil Practice Laws and Rules, provided the proceeding is commenced within 4 months after the decision is made.

SECTION SEVEN: INTERPRETATION AND ENACTMENT

- 1) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, or general welfare.
- 2) Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standard shall govern.
- 3) Nothing in this section or in this Ordinance shall interfere with the provisions of the Agricultural District Law as amended.
- 4) The invalidity of any section, subsection, or any part of this Ordinance shall not invalidate any other section, subsection, or part thereof.
- 5) This Ordinance shall become effective immediately upon compliance with the posting and publication requirements of Town Law section 133.