

**LAND MANAGEMENT ORDINANCE
AUGUST 12, 2013**

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, Phone Huts and seasonal and commercial stands, less than 140 square feet 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. Doubts as to 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, phone huts, seasonal or commercial stands less than 140 square feet do not require a building permit.
- 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

This section is added in order to insure fast and accurate response of emergency personnel: Upon receiving a building permit for any structure on new or existing premises will require that an assigned property address number sign be erected within two weeks after

commencement of the work. All assigned premise address number must be obtained from Seneca County 911 Address Clerk (315-539-1921). The address sign shall be 18"x6" minimum size, reflective green painted or vinyl clad, with reflective white numbers **3in** high, with a stroke width of 1/2", placed on each side. Mailbox vertical sign installation height requires any part of the sign be installed within the height of the mailbox floor or higher. Mailbox signs can be mounted horizontally on the top of the mailbox or two separate single sides' signs on each side of the mailbox walls. For single post installation, top of sign must be 4 ft. minimum height. All signs must be visible from either direction and shall be as follows:

- 1) On premises with a mail box on the same side of the road as the structure, the sign may be attached vertically to the mail box post, horizontally to the mail box or on a separate post.
- 2) On Premises opposite side of the road from a mailbox or on premises with no mailbox, the sign shall be place in a vertical manner on a post-same side as premises.
- 3) On premises located on a marked fire road (ex. A, B, C) or a named beach road, signs shall be placed adjacent to the property on a post on the same side as the structure.
- 4) On premises located on an unmarked road, signs shall be placed at the road entrance side of the highway. If that unmarked road contains more than one legal addressed premise, a second sign shall be placed in front of the structure. Additional signs may be required at each intersection of road leading to the premises.

Contact the local Code Enforcement Officer for any application that cannot be determined from *the information provided* above *in this section*.

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

SECTION THREE: 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.
- 4) Each lot shall have a minimum of 200 feet frontage along any public road. Each lake shore lot shall have a minimum of 100 feet frontage along the lake shore. 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 mid point 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 permanent housing units shall have a minimum of 940 square feet of floor area. Buildings two stories high shall have a minimum of 600 square feet of floor area on the first floor.
- 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 fifty (50) feet, the flag portion shall have a minimum lot area of one (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 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 will be extended in writing by the Code Enforcement Officer after review. If construction is not started within one year, a new permit must be applied for.
- 7) There shall be no fees charged for building permits required by this Ordinance.
- 8) The violation of any provision of this Ordinance shall be an offense punishable by a fine not to exceed \$250 or by imprisonment of not more than fifteen days or by both such fine and imprisonment. 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 shall be in writing 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 appeal shall be referred to the Town Planning Board by the Town Board for recommendation.
- 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 at the time and in the manner provided by law.

END OF ORDINANCE

