

ORIGINAL

**LAND USE AND
BUILDING MANAGEMENT ORDINANCE**

TOWN OF RICHFIELD

OTSEGO COUNTY, NEW YORK

Adopted 9/10/92

Amended Local Law # 1 of 2004

Amended Ordinance # 2 of 2005

Amended Ordinance # 3 2005

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Town of Richfield

An ordinance establishing land use regulations for the Town of Richfield

Be it enacted by the Town Board of the

Town of Richfield as follows:

ARTICLE 1 AUTHORITY AND PURPOSE

Section 1.1 Authority

This ordinance is enacted pursuant to Section 261 of Article 16 of the Town Law of the State of New York.

Section 1.2 Purpose in View

This ordinance is designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to promote health and general welfare; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements. This ordinance is made with reasonable consideration of the character of the various districts, and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

Section 1.3 Application of Regulations

Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified.

ARTICLE 2 DEFINITIONS

Section 2.1 Meaning of Words

Except where specifically defined by this article, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the words "plot" and "parcel"; the term "shall" is always mandatory; and the word "used" or "occupied" as applied to any land or building shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Section 2.2 Definitions

Accessory Building: A detached building housing an accessory use.

Accessory Use: A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal use of a building.

Airport: Any portion of land specifically designed and continually used for the landing and taking off of aircraft.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, other than repairs or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.

Animal Hospital: Structure for the care and treatment of animals.

Architectural Value: A sum total of style, integrity or originality, antiquity and craftsmanship as they related to structures or buildings.

Area Regulations: The regulation of building size, setbacks or yards, parking and loading requirements and similar regulations, but excluding performance standards.

Arrangement: The placement of materials into a harmonious order or into a correct or suitable sequence, relationship or adjustment.

Auto Body Shop: The use of a parcel of land or portion of any parcel of land whether inside or outside a building for the replacement, repair or painting of all or a portion of auto body or bodies for commercial use.

Auto Showroom: A building for the display and sale of new and second-hand motor vehicles as defined in the Vehicle and Traffic Laws of the State of New York.

Auto-Wrecking Yard: The use of any parcel of land or portion of any parcel for the dismantling, cutting, demolition and burning of automobiles and storage of the same prior to and after completion of said processes.

Basement: That floor of a building which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. Cellars are included in this definition.

Boarding House: A dwelling in which rooms, with or without board, are offered for rent. Rooming houses and adult homes are included in this definition.

Breweries: A building for the enclosed process of making alcoholic beverages, bottling, packaging and delivery, including the storage of plant owned vehicles.

Building (Noun): Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattel.

Building (Verb): Any action upon a building, structure, or portion thereof which involves, and is limited to the following: construct, erect, relocate, extend, remove, demolish or structurally change.

Building Coverage: That portion of a parcel occupied by a building as measured by the projection of the outermost walls to ground level. Building coverage is customarily expressed as a percentage of total parcel area.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face shall include bay windows, covered porches whether closed or unclosed, or any projections thereof, which are over fifty (50) square feet in floor area.

Building, Height of: The vertical distance from the mean finished grade at the front line of a building to the horizontal projection of the highest structural part of a building.

Building, Principal: A building in which the principal use of the lot, on which it is located, is conducted.

Camp: Any parcel or parcels of land or water on which are located two or more cabins, tents, travel trailers, houseboats or other accommodations of a design or character suitable for seasonal or temporary recreational oriented occupancy regardless of whether such accommodations are actually occupied on a seasonal basis or otherwise (Boy Scout, Girl Scout, Children's Camps, etc.).

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

Car Lot: A parcel of land for public selling or offering for sale of two or more vehicles at any one time.

Center Line of Road: A line midway between and parallel to two property lines along any public highway right-of-way. Whenever such property lines cannot be determined, such line shall be considered as being midway between and parallel to the paved or improved surface of the road.

Channel: A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodically flowing water.

Commercial Use: Businesses intended for the sale of retail goods or personal services; department store; restaurant; secondhand shop; tavern; but excludes utility and agriculture.

Common Open Space: An area reserved for use by patrons, customers, residents, or the general public, suitably landscaped and exclusive of building coverage, parking areas or driveways.

Community Centers: A public or private building or structure for community use with no commercial activities being conducted therein.

Condominium: See definition of Dwelling.

Day Camp: Land and facilities thereon designed to provide for the daytime care and instruction of children on a seasonal basis.

Developer: Shall mean the legal owner or owners of all of the land proposed to be included in a development proposal. The holder of an option or contract to purchase, a lessee having a remaining term of not less than twenty years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purposes of the law.

Dog Kennel: A structure or land used for harboring, sheltering or boarding four or more dogs, over six months of age.

Dump: A lot or part thereof used primarily for the storage or disposal by abandonment, dumping, burying or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part of vehicles.

Dwelling: A building designed or used exclusively as the living quarters of one or more families.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Farm: Any parcel of land which is in excess of ten (10) acres and used principally for the raising of agricultural products or the keeping of poultry, fowl, livestock, or domestic animals, including necessary farm structures and the storage of farm equipment.

Farming, Farm Use or Occupancy: Any activity customarily carried on upon a farm, such as cultivation of land and animal husbandry.

Farm Pond: As distinguished from swimming pool - any standing body of water used for the purposes of watering livestock, fish pond or wild life marsh.

Garage, Commercial: Any garage operated for gain, and which is used for storage, repair, sale, greasing, washing, servicing, adjusting, or equipping of motor vehicles and/or for the retail sale of fuel for motor vehicles. Gasoline stations are included in this definition.

Garage, Private: An enclosed space for the storage of one or more motor vehicles and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted.

Garage Sales: The offering for sale of personal goods at the premises of any property. This definition shall also include, but not be limited to, the following: lawn, porch, barn.

Grade-Mean Finished: The mean finished grade is the average grade level of the ground measured at the front wall of the building.

Highway Right-of-Way: That line which measures the right-of-way of any road and which is established by the town, county or state agency having jurisdiction over the road.

Home Occupation: An occupation or profession customarily conducted entirely within a dwelling which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office of a physician, dentist, lawyer, architect, engineer, realtor, insurance agent or other professional person who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed to be home occupations; and the occupations of seamstress, tailor, child care, barber, beautician, tutoring, the giving of music or dance instruction limited to two pupils at one time and similar occupations shall be deemed to home occupations. Occupations such as cabinet making, furniture repair, animal hospital or kennel, florist, auto repair shop, vehicle sales, restaurant, tavern, store, funeral home, mortuary or other similar uses shall not be deemed home occupations.

Hospital: Any building whose principal purpose is the diagnosis, treatment or care of human ailments or conditions. Primary care facilities, nursing homes, convalescent homes, clinics and like facilities are included in this definition.

Hotel: A building or any portion thereof, which contains living and sleeping accommodations for transient occupancy and has a common exterior entrance or entrances, and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of the personal needs of its occupants.

Junk: Anything worn-out or fit to be discarded.

Junk Yard: Any parcel of land including buildings thereon, which is used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for collecting storage, dismantling or salvaging of machinery or vehicles not in running condition and the sale of parts therefrom. The deposit on a lot of four (4) or more wrecked or broken down vehicles or the major parts thereof for ten (10) or more months will be deemed to make the lot a "junk yard".

Landscaping: The act of altering or changing the natural features of a plot of ground (usually around a building) as by adding lawns, trees, bushes, etc. This definition does not include within the term altering such things as maintenance or replacement.

Loading Space: An off-street space, area or berth, with an appropriate means of access to a street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.

Lot: A parcel of land separately recorded in the Otsego County Clerk's Office, or separately depicted on the Town Real Property Assessment Maps. Whenever two or more principal buildings are located on a single lot, the area devoted to each principal building together with its accessory buildings and uses, yards and open space, shall be considered as a separate lot for the purpose of this ordinance.

Lot Line: The established division line between different parcels of property.

Lot, Corner: A double frontage lot where two or more sides are formed by intersecting street lines or their projections, and the interior angle of said lines is one hundred and thirty-five (135) degrees or less.

Lot, Depth: The mean horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

Lot, Front Line: The lot line abutting a public street or highway right-of-way. On corner or double frontage lots, this shall be the smaller of the lot lines abutting such rights-of-way, or the line abutting the street upon which a majority of adjacent lots front, whichever is more appropriate.

Lot, Width: The mean horizontal distance measured at right angles to its depth along the front lot line.

Master Plan: The officially adopted plan of the Town of Richfield, New York.

Mining: The removal of top soil or extraction of petroleum products or natural gas and/or underground minerals such as ores, rock, sand, or gravel, whether by drilling, tunnelling or open pit methods.

Mobile Home: A self-contained movable living unit capable of transportation on its own wheels on a public highway, and complying with the State building code for mobile homes. The removal of wheels or anchoring of a mobile home to a permanent foundation shall not remove it from this definition.

Mobile Home Park: Any parcel of land, with or without improvements upon which five (5) or more mobile homes, used for dwelling purposes, are placed.

Non-Conforming Building: A building or structure existing at the time of enactment of this law or as a result of amendments thereto, which does not conform to the regulations of the district or zone in which it is situated.

Non-Conforming Use: A use of land existing at the time of enactment of this law or as a result of amendments thereto, which does not conform to the regulations of the district or zone in which it is situated.

Ordinary Maintenance and Repair: An action involving painting, roof repair and other similar minor repairs, not including structural alterations or architectural details.

Plan: The design of a development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities. The phrase "provisions of the plan" when used in these regulations shall mean the written and graphic materials referred to in this definition.

Plat: A plan for developing a piece of undeveloped property.

Rear-Yard Depth: The distance between the rear lot line and the nearest point of a principal building.

Restoration: Rebuilding to approach as nearly as possible the original form by removing later work or replacing missing original work.

Screening: Fences, bushes, or trees or other natural and/or artificial materials which partially or completely obscures the visual character of any given building or use of land.

Side Yard Width: The distance between the side line of the lot and the nearest point of a principal building.

Street: Any public way dedicated to public vehicular travel or otherwise acquired by a municipality for highway use purposes. Street shall be taken as synonymous with road or highway.

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

Subdivision: If a parcel is sold, given or divided into lots with them bordering on existing town, county, state, federal highways or streets, it is not a subdivision. (Road frontage requirements are met if perspective buyer borders land to be bought and has sufficient road frontage of his own.)

Swimming Pool: Any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming, and constructed, installed or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under the provisions of this law.

Trailer: A movable living unit intended for temporary travel or vacation use with or without kitchen or sanitary facilities. Self-propelled recreational motor homes are included in the definition of trailer.

Yard, Front: The area lying between a road or street and the closest point of a principal building and extending from one side lot line to the other. The minimum front yard required by this ordinance shall be defined by a line parallel to a street or road at the specified distance established by the district regulations from the centerline of the road.

Yard, Rear: The area lying between a rear lot line and the closes point of a principal building and extending from one side lot line to the other. The minimum rear yard required by this ordinance shall be defined by a line parallel to a rear lot line at the specified distance therefrom, established by the district regulations.

Yard, Side: The area lying between a side lot line and the closest point of a principal building and extending the full depth of the lot. The minimum side yard required by this ordinance shall be defined by a line parallel to each side lot line at the specified distance therefrom established by the district regulations.

ARTICLE 3 DISTRICTS

Section 3.1 Establishment of Districts and Map

a. For the purpose described in Section 1.3 of this ordinance, the Town of Richfield is hereby divided into the following districts:

RAC R-40 One Acre Residence-Agriculture District - Commercial District
RSD Recreational and Seasonal - Commercial District
FPD Flood Protection District

b. The boundaries for the Recreational and Seasonal District shall be 300 feet from the high water mark of Canadarago Lake. Canadarago Lake shall be the natural lake, which does not include the wetland at the north end of the lake. Ref. NYS land use and natural resources inventory map of 1974.

c. The boundaries of the land use and building management districts are shown on the Official Town Land Use and Building Management Map, a copy of which is attached and hereby made part of this ordinance. The land use and building management map may from time to time be amended in the same manner as any amendment to this ordinance.

Section 3.2 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforementioned districts as shown on the Official Town Land Use and Building Management Map, the following rules of interpretation shall be used:

- a. Where district boundaries are indicated as approximately following the centerlines of roads and highways; railroads; public utility easements; water course; town boundaries; property lines; or lot lines, said boundaries shall be construed to be coincident with such lines or projections thereof.
- b. Where district boundaries are indicated as being approximately parallel to any of the features described in Section 3.2a, said boundaries shall be construed as being parallel thereto and at such distance as are indicated on the Official Town Land Use and Building Management Map or as shall be determined by the use of the scale.
- c. Wherever any feature described in Section 3.2a is depicted on the Official Town Land Use and Building Management Map but such depiction varies from the actual location observed in the field and indicated by a physical feature, monument or mark, such physical feature, monument or mark shall be considered as being the reference point in determining a district boundary.

ARTICLE 4. DISTRICT REGULATIONS

Section 4.1 R-40 One Acre Residence-Agriculture District - Commercial District

The following regulations shall apply in all R-40 districts:

a. Permitted uses:

1. One family dwellings
2. Two family dwellings
3. Farms and agriculture uses, including temporary stands for the sale of agriculture products only
4. Accessory uses to any permitted use
5. Apartment dwellings for the exclusive occupancy of persons employed by a permitted agricultural use on the same lot, or on adjoining lots in the same ownership, as the land in active agricultural use. The number of such apartment dwelling units permitted shall not exceed one for every two acres of land in active agricultural use.
6. Mobile homes
7. Home occupations

b. Uses permitted upon issuance of a special permit:

1. Public and quasi-public uses, places of worship, schools, parks and playgrounds, government facilities and public utility facilities
2. Place of outdoor public assembly or amusement
3. Camps, campgrounds, including travel trailer parks
4. Retail stores, shops and services
5. Banks
6. Business and professional offices
7. Restaurants
8. Hotels and motels
9. Garages and filling stations
10. Bakeries and baking plants
11. Building material storage yards
12. Manufacturing and industry
13. Laundries
14. Lumber yards
15. Warehouses
16. Veterinary hospitals
17. Wholesale businesses

c. Lot area and yard regulations pertaining to all structures:

1. Minimum lot area - 1 acre (43,560 square feet) usable land, excluding property involved in right-of-ways
2. Minimum frontage on public highway - 60 feet
3. Minimum front yard setback - 75 feet from center of road right-of-way or 50 feet from edge of right-of-way, whichever is greater
4. Minimum side yard width - 25 feet
5. Minimum rear yard depth - 20 feet

d. Special regulations:

1. Sewage disposal systems and water systems must conform to the New York State Department of Health Standards

Section 4.2 RSD Recreational and Seasonal Commercial District

The following regulations shall apply in all RSCD Districts

a. Permitted uses:

1. One family dwellings
2. Two family dwellings
3. Agriculture uses, including temporary stands for the sale of agriculture products only
4. Public and quasi-public uses, places of worship, schools, parks and playgrounds, government facilities and public utility facilities
5. Accessory uses to any permitted use
6. Camps, campgrounds, including travel trailer parks
7. Home occupations
8. Mobile homes
9. Retail stores, shops and services
10. Personal service shops

b. Uses permitted upon issuance of a special permit:

1. Banks
2. Bakeries and baking plants
3. Building material storage yards
4. Clothing and light manufacturing
5. Ice cream manufacturing
6. Laundries
7. Lumber yards
8. Milk bottling
9. Warehouses
10. Veterinary hospitals
11. Business and professional offices
12. Wholesale businesses
13. Restaurants
14. Hotels and motels
15. Garages and filling stations
16. Places of public assembly or amusement

c. Lot area and yard regulations pertaining to all structures:

1. Minimum lot area - 22,000 square feet
2. Minimum frontage on a street - 30 feet
3. Minimum front yard setback - 35 feet
4. Minimum side yard width - 10 feet
5. *min. REAR YARD 10 FEET*

d. Special regulations:

1. Building permits shall be required for all new construction
2. Sewage disposal systems must conform to the New York State Department of Health Standards

Section 4.3 FPD Flood Protection District

These areas are shown on the Flood Hazard Map for the Town of Richfield, published by the Federal Insurance Administration, Federal Emergency Management Agency, U.S. Department of Housing and Urban Development. All activity in such areas shall conform to revised regulations of the National Flood Insurance Program.

ARTICLE 5 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS

Section 5.1 Parking and Loading Areas

a. For all uses and structures, off-street parking shall be required in accordance to the following standards:

1. Residential uses - two (2) parking spaces for every dwelling unit
2. Tourist homes, hotels, motels - one (1) parking space for every guest room
3. Retail sales - one (1) parking space for every 200 sq. ft. of floor area
4. Wholesale trade, warehouse or storage - one (1) parking space for every 1,000 sq. ft. of floor area
5. Theaters, restaurants, eating and drinking places, churches and places of worship, and places of public assembly - one (1) parking space for every four (4) seats, or, in the absence of fixed seating, one space for every sixty (60) sq. ft. of floor area exclusive of kitchens, stage, dance floor, waiting areas, storage areas and hallways
6. Hospitals, nursing homes - one (1) parking space for every patient bed
7. Manufacturing uses - one (1) parking space for every 1,000 sq. ft. of floor area
8. Offices, business and professional offices - one (1) parking space for each 300 sq. ft. of floor area
9. Unspecified uses - one (1) parking space for every 200 sq. ft. of building area, or one (1) parking space for every 1,000 sq. ft. of site area, whichever is greater, or as specified by the Planning Board during issuance of special permit based upon the greatest number of employees and customers using the structure or use at any single time

b. Required Loading: Off-street loading spaces shall be provided for all non-residential uses at a rate of one (1) space for every receiving door or loading dock being used to load or unload cargo to or from a truck and applies to new structures and businesses.

c. Size: All required parking spaces shall be at least ten (10) feet in width and twenty (20) feet in depth. All required loading spaces shall be at least ten (10) feet in width and sixty-five (65) feet in depth and completely off the public thoroughfare.

d. Location: The location of any entrance or exit of a driveway, aisle, parking or loading area where it enters a public right-of-way shall be subject to approval by the appropriate official responsible for the adjoining public right-of-way or road and the permit for the same shall be obtained prior to construction.

Section 5.2 Signs

- a. In all districts the following type of signs are specifically prohibited:
 1. Signs so located as to restrict vision and impair safety of employees, customers, pedestrians or motorists
 2. Lighting devices or internally lit signs so placed or directed as to cause the illumination therefrom to produce a glare or reflection onto a public street or sidewalk, that constitutes a hazard
 3. Signs or sign structures exceeding eight-five (85) feet in height.
- b. All signs shall be erected or supported to withstand a wind of seventy (70) miles per hour.
- c. Signs which constitute a hazard to public safety by reason of their location or physical condition may be removed by order of the Town Supervisor. If the hazard persists, the property owner shall be notified prior to such removal.
- d. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- e. All posters and temporary signs shall be removed within one (1) week after the advertised event. The removal shall be the responsibility of the sponsors.

Section 5.3 Litter

The owner or person in control of any private property, shall at all times maintain the premises free of litter and unsightly objects, and be responsible for the regular collection and/or disposal of all refuse which may accumulate on the property owned or occupied by him. Junk cars shall be considered to be refuse under this regulation. A permanently inoperable motor vehicle shall be considered junk; that is to say, cars being restored, antiques, and classics are not to be deemed refuse. The intent of this regulation is to minimize the negative effect one parcel has on adjacent property.

Section 5.4 Conservation of Wetland Areas

Pursuant to Article 24 of the State of New York Environmental Conservation Law, certain areas within the Town of Richfield have been classified as protected wetlands by the State of New York. To prevent the despoilation and destruction of freshwater wetlands, activities undertaken in these areas or in the 100 foot buffer zone surrounding such wetland areas are regulated by the New York State Department of Environmental Conservation. Copies of the State wetlands maps may be viewed at the Richfield Town Clerk's Office, the Otsego County Real Property Tax Map Office or at the Region 4 Office of the New York State Department of Environmental Conservation.

ARTICLE 6 GENERAL REGULATIONS APPLYING TO SPECIFIC USES

Section 6.1 Junk Yards

- a. At the enactment of this ordinance there shall be no new Junk Yards, Sanitary Landfills, Junk Car Collections Sites, or Disposable Waste Sites without a permit from the Richfield Town Board and in accordance with Section 5.3 of this ordinance. The intent of this section is to minimize property devaluation of nearby adjacent parcels. Notwithstanding the foregoing, the storage of four (4) or more motor vehicles not in running or operable condition, or the collection or storage of any by-products generated in the regular and normal conduct of such business or industry, on a lot, land or structure or part thereof for ten (10) months or more, shall constitute use as a "junkyard". Existing junk yards, used equipment sites, and disposable waste sites must comply with Section 5.3 of the ordinance in addition to county, state, and federal regulations.
- b. Any parcel of land including buildings thereon, which is used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for collection, storage, dismantling or salvaging of machinery or vehicles not in running condition and the sale of parts therefrom shall be deemed a junkyard. The deposit on a lot of four (4) or more wrecked or broken down vehicles or the major parts thereof for ten (10) or more months will be deemed to make the lot a "Junk Yard". Agricultural machinery not in use or discarded on private property shall not be considered as junk as long as it is not disassembled for resale. Furthermore, this agricultural machinery must be maintained according to Section 5.3 of this ordinance.

Section 6.2 Mobile Homes Parks

All mobile home parks shall be subject to the "Ordinance Regulating Mobile Home Parks" for the Town of Richfield, Otsego County, New York. A copy of the mobile home park ordinance can be obtained from the Town Clerk of the Town of Richfield.

Section 6.3 Non-Conforming Structures and Uses

- a. Subject to the following conditions, any lawfully erected building or structure, existing at the time of enactment of this ordinance, may be continued although such building or structure does not conform to the provisions of this ordinance.
 1. A non-conforming building may not be enlarged, extended or altered except in conformance with this ordinance, except that repairs not exceeding seventy-five percent (75%) of replacement value of the buildings or structure shall be permitted where such repairs are necessitated by fire, wind, flood or other causes
 2. Any building or structure under construction at the time of enactment of this ordinance may be completed
 3. Any permitted use may occupy a non-conforming building or portion thereof. Where the design or construction of a non-conforming building is such that it is unsuitable for any conforming use, the Board of Appeals may issue a special permit to allow the establishment or re-establishment of a non-conforming use in such structure provided such use is contained wholly within an enclosed structure and meets the performance standards of this ordinance.
- b. Subject to the following conditions, any lawfully established use of any land, building or structure, existing at the time of enactment of this ordinance may be continued although such use does not conform to the provisions of this ordinance.
 1. A non-conforming use shall not be enlarged or extended into adjoining land, building or structural areas;
 2. Whenever a non-conforming use has been discontinued or a change of ownership or control of structure occurs (whether of record or defacto), such may be re-established within a single 18 month period. After an 18 month period of inactivity, the non-conforming use may be considered abandoned and may not be re-established
 3. Once changed to a conforming use, no building or land shall revert to a non-conforming use.
- c. When a use, building or structure becomes non-conforming as a result of amendment to this ordinance or of the Land Use and Building Management District Map made a part thereof, such use shall be subject to the regulations and restrictions applicable to a non-conforming use.

Section 6.4 Out-of-Door Produce Markets and Merchandise Displays

Out-of-door produce markets and merchandise displays shall be maintained in a neat, attractive and orderly fashion. All out-of-door merchandise displays occupying 144 square feet or more, operating for a ten (10) day period or longer, must obtain a license annually. This license may be obtained from the Enforcement Officer or the Town Clerk.

Section 6.5 Mass Gatherings

Any mass gathering held in the Town of Richfield is subject to the Town's "Ordinance for Maintaining and Regulating the Peace, Good Order, Safety and Public Welfare". This ordinance does not include the Richfield Springs Central School when its events are approved by the school administration or by the school board. A copy of the mass gathering ordinance may be obtained from the Town Clerk.

Section 6.6 Farm Practices

- a. By the adoption of this ordinance, the Town Board of the Town of Richfield declares its intent and master plan to maintain the desirable rural character of the Town of Richfield; to permit the continuation of the business of farming as it is now carried out throughout the Town of Richfield, including without limitation, the existence of farms within the town in view of the substantial contribution to the tax base now provided by said farms and farm properties. The Town Board of the Town of Richfield further recognizes that there exists certain "farming practices" which must be permitted to be carried on to the furtherance of the business of farming and which can be carried on within the Town of Richfield.
- b. Definitions. As used herein, the term:
 1. "Farmer" shall mean any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, livestock, poultry or fish, fruits and vegetables.
 2. "Farm Practices" shall mean an activity, engaged in by a farmer as defined herein in connection with and in furtherance of the business of farming and shall include, without limitation, the collection, transportation, distribution and storage of animal and animal wastes; storage, transportation and use of equipment for tillage, planting and harvesting; transportation, storage and use of legally permitted fertilizers and lime, pesticides all in accordance with local, state, and federal law and regulation and in accordance with manufacturer's instructions and warnings, construction of farm structures and facilities as permitted, including construction and maintenance of fences, pasturing, feeding, care and housing of livestock, poultry or fish, fruits and vegetables.

- c. Wherefore, it is resolved by the Town Board of the Town of Richfield, that farmers, as defined herein may lawfully engage in farming practices as defined herein within the Town of Richfield at such times, including the night time hours, and at such locations as is necessary to conduct the business of farming, regardless of odor, noise, dust, vibration or nuisance, and that no person, entity, association, partnership or corporation shall engage in any act to prevent or deter such conduct as is approved herein.

ARTICLE 7 ADMINISTRATION AND ENFORCEMENT

Section 7.1 Administration and Enforcement Officer

- a. This ordinance shall be enforced by the Enforcement Officer, who shall be appointed by the Town Board. The Town Board shall fix the salary or compensation of such officer and provide for the payment thereof.
- b. The Town Clerk is hereby given the following duties and authority:
1. To accept all applications required by this ordinance, and to transmit such applications to the secretaries of the Planning Board or Land Use and Building Management Board of Appeals
 2. Where specifically authorized by this ordinance, to issue permits
 3. To serve as deputy Enforcement Officer, to have the same duties and authority as that official in his absence
 4. To provide, upon request, copies of this ordinance and the Land Use and Building Management District Map, and any forms, rules and regulations used in administering this ordinance
- c. The Enforcement Officer is hereby given the following duties and authority:
1. With previous verbal notification and consent, examine or inspect land, building or structure for the purpose of administering or enforcing this ordinance
 2. To receive complaints of violations of this ordinance, or to make complaints based upon his own examination, inspection or knowledge of the land, building or structures
 3. To act upon any and all complaints, and to serve a written notice of violation upon the owner or occupant of the premises where there appears to exist a violation of any provision of this ordinance
 4. To perform any other administrative or enforcement duties specified in this ordinance, including but not limited to the issuance of permits, licenses or certificates, accepting or reviewing applications, plans or plats and carrying out any lawful order of the Town Planning Board or Land Use and Building Management Board of Appeals

Section 7.2 Permits, Certificates and Licenses

- a. No building or structure shall be constructed, erected, altered, extended, or repaired unless a building permit is issued therefore by the Enforcement Officer, subject to the following conditions:
1. No building permit shall be required for any activity within a twelve (12) month period involving:
 - a) a building cost of less than six thousand dollars (\$6,000);
 - b) new structures less than three hundred (300) square feet; and
 - c) enlargements less than three hundred (300) square feet.
- The Richfield Town Planning Board shall have the authority and right to review the square footage and building cost amount every three (3) years. If these figures are to be adjusted, it is recommended that inflation, building costs, and building size be used as guidelines. However, the Planning Board is not limited to these restrictions.
2. Every building permit application shall include the following
 - a) the location, size, dimensions and land use and building management district of the lot or lots on which the work is to be performed;
 - b) a sketch or drawing showing the location of the proposed building or structure, including dimensions to all property lines, and to the nearest building within one hundred (100) feet of the proposed building or structure;
 - c) a statement or drawing describing the proposed structure, including its height, floor area, use and any information necessary to determine off-street parking and loading area requirements;
 - d) a statement or drawing showing all proposed parking and loading areas, driveways, anchors, or tiedowns, or required landscaped buffer areas; and
 - e) any other statements or drawings necessary to determine that the proposed work will comply with the various provisions of this ordinance.
- b. No building or structure shall be occupied except after a certificate of compliance has been issued therefore by the Enforcement Officer subject to the following conditions.

A certificate of compliance is a certificate stating:

1. The use conforms to all applicable provisions of this ordinance.
 2. The land or structure to be occupied conforms to that proposed on any approved building permit application or site plan, together with any recorded conditions made in the approval of such permit or plan.
 3. The use, land, or building structure to be occupied by the use, does not conform to all the applicable provisions of this ordinance but as a bona fide non-conforming use as defined and regulated under Section 6.3 of this ordinance.
- c. The Enforcement Officer shall issue, issue subject to conditions, or refuse to issue any requested permit, certificate, or license within ten (10) days of his receipt of the application therefore, except where such application involves review by the Town Board, Board of Appeals or Planning Board under the provisions of this ordinance. Where such review is required, the Enforcement Officer shall notify the applicant of such fact, and of any necessary applications, statements, plans or other documentation required for such review, within ten (10) days of receipt of the original application. The Enforcement Officer shall notify the applicant of meetings at which his application will be acted upon by any reviewing board, and said officer shall take such action as may be directed by such board within ten (10) days of such direction.

Section 7.3 Special Permits

Special Permits: The Planning Board shall administer the review and granting of special permits.

- a. The application for a special permit shall be accompanied by a fee, three sets of preliminary plans, and/or other descriptive matter to clearly portray the intentions of the owner. Such plans shall show location of all buildings, parking, traffic access and circulation drives, open spaces, landscaping, all existing structures and usages within 200 feet of the site boundaries, and other information necessary to determine if the proposed special use meets the requirements of this ordinance.
- b. At the regular or special meeting, when the completed application is reviewed, the Planning Board shall determine whether a public hearing is necessary. If a public hearing is held, it must be within 45 days after the completed application is submitted to the Planning Board and with five days public notice.
- c. The Planning Board shall render a decision, at a regular or special meeting, either approving, approving with conditions, or denying a special permit application within 45 days of the public hearing or, if no hearing is held, within 45 days of receipt of the completed application.
- d. A special permit shall be construed to be authorization for only one particular special use and shall expire if the special use shall cease for more than six months for any reason. Special uses inherently of a seasonal nature, including, but not limited to, nature centers, campgrounds, recreation areas, and roadside stands shall have a period extended to 12 months prior to expiration of special permits.
- e. Standards Applicable to all Special Permit Uses

Special permits shall be granted if the following conditions are met:

1. Location, use and size of structure, nature and intensity of operations involved, size of site in relation to it, and location of site with respect to existing or future streets giving access, are such that it will be in harmony with orderly development of the district
2. Location, nature and height of buildings, walls, fences and signs will not discourage the appropriate development and use of adjacent land and buildings or impair their value
3. Special use shall not conflict with the Comprehensive Plan
4. Operation of any special use shall not be more objectional to nearby properties by reason of noise, fumes, vibration, or flashing lights than would be the operation of any permitted use, exclusive of Section 6.6.
5. Necessary provisions have been made to assure that all surface runoff to adjacent properties does not exceed levels in existence prior to construction
6. Solar access of adjacent properties is not obstructed by said use.
7. All State Environmental Quality Review requirements have been met.
8. The public health and safety will not be endangered.

No special permit shall be issued for a use on a property where there is an existing violation of this ordinance or other town law or regulation.

Section 7.4 Penalties for Violation

- a. Violation of this ordinance is an offense punishable by a fine not exceeding fifty dollars (\$50). However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this ordinance shall be misdemeanors, and for such purpose only, all provisions of laws relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- b. Where any building or structure is erected, constructed, converted, altered, used or maintained or land is used in violation of this ordinance, the Enforcement Officer, in addition to other remedies, may institute any appropriate action or proceedings to prevent erection, construction, conversion, alteration, use, maintenance or occupancy; and upon the failure or refusal of the Enforcement Officer to institute any such appropriate action or proceeding for a period of ten (10) days after a written request by a resident taxpayer of the town so as to proceed, any three (3) taxpayers of the town residing in the district where such a violation exists, who are jointly or severally aggrieved by such violation may institute such appropriate action or proceeding in like manner as the Enforcement Officer is authorized to do.
- c. A complaint of violation of this ordinance may be made by any resident, property owner, or town official, including the Enforcement Officer.
- d. Upon receipt of a complaint of violation, the Enforcement Officer shall investigate to determine the presence of a violation, and upon finding of violation, shall serve notice upon the owner or occupant thereof. Said notice shall include the items listed under Section 7.3e together with any observations made by the Enforcement Officer on the basis of his investigation. Such notice shall also specify what action is required by the owner or occupant of the property, and the date by which such action shall be taken. The term violation as used in Section 7.4a shall exist only after the date of required action specified in the notice to the owner or occupant passes without such specified action having taken place.
- e. Notices required by this action shall be issued by the Enforcement Officer either by personal service to the owner or occupant, or by certified mail to the address of same shown on the tax roles of the town or contained in the statement of complaint.

Section 7.5 Fees

The application for any permit, certificate, license or any review by the Town Planning Board or Land Use and Building Management Board of Appeals shall be accompanied by a fee - an amount specified from time to time by resolution of the Town Board.

ARTICLE 8 BOARD OF APPEALS

Section 8.1 Establishment, Membership and Meetings

- a. A Town Board of Appeals is hereby created, said Board of Appeals to consist of five (5) members for terms of five (5) years, except that the members of the board when first appointed, shall serve for terms as specified under Section 267(1) of the Town Law. The chairman and members of the Board of Appeals shall be appointed by resolution of the Town Board, which shall also have the power to remove any member for cause after a public hearing.
- b. All meetings of the Town Board of Appeals shall be open to the public, and said board shall keep minutes of its proceedings, showing the vote of each member upon every question. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the board shall immediately be filed in the office of the Town Clerk and shall be a public record.

Section 8.2 Powers and Duties

- a. Appeals: The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Enforcement Officer. The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer. Such appeal may be taken by any person aggrieved, or by any officer, or board of the town by filing with the Enforcement Officer and the Board of Appeals a notice of appeal, specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the board all papers constituting the record of the action being appealed. An appeal stays all proceedings in furtherance of the action being appealed, unless the Enforcement Officer certifies to the board that by reason of facts stated in such certificate, a stay would 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 or by a court of record. The board may reverse or affirm wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be made.
- b. Variances: The board shall have the authority to vary the requirements of this ordinance subject to the following conditions:
 - 1. An application for such variance shall be made to the Land Use and Building Management Administrator for transmittal to the board, said application to contain the following items:
 - a) the name, address and phone number of the applicant;
 - b) the location and land use and building management district of the property for which the variance is sought;
 - c) the existing use of said property including a description of any existing buildings;
 - d) a citation to the provision of this ordinance for which variance is sought;
 - e) a justification of the request for variance.

2. Use Variance - The board may vary the requirements of these regulations upon finding that there exists an unnecessary hardship. Such hardship is shown if each of the three following conditions exist:
 - a) reasonable return - the applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the ordinance. Failure to realize the highest return is not considered a hardship;
 - b) uniqueness - the applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the ordinance, not a variance;
 - c) character - the applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the spirit and intent of the district regulations should be preserved.

3. Area Variance - The board may vary the requirements of these regulations upon finding that there exists a practical difficulty. Such difficulty is shown if each of the three following conditions exist:
 - a) significant economic injury - first, the applicant must demonstrate that the application of the ordinance to his property causes significant economic injury;
 - b) related to police power - once the applicant has demonstrated economic injury, then the town must show that the regulation in question is reasonably related to a legitimate exercise of the police power;
 - c) reasonable return - third, if the applicant cannot show that the particular restriction isn't related to the public health, safety and general welfare (i.e., where the board finds that it is), the variance should be denied unless the applicant shows that the land use and building management restriction in question, as applied to his property, deprives him of all reasonable use of his property. If the applicant can show this, he should be granted the area variance.

4. In making a determination of practical difficulty, the appeals board may consider:
 - a) how substantial the variation is in relation to the requirement;
 - b) the potential effect of increased density on available municipal, county and state facilities and services;
 - c) whether the variance will cause a substantial change in the character of the neighborhood;
 - d) whether the difficulty can feasibly be mitigated by some other method; or
 - e) whether the interests of justice will be served in granting the variance.

- c. Applications: Applications for appeals or variances shall be made to the Enforcement Officer for transmittal to the board, and shall contain the following:
 1. The name, address and phone number of the applicant
 2. The location and Land Use and Building Management District of the property for which a variance is sought, or in reference to which an appeal is made
 3. The existing use of said property, including a description of any existing buildings
 4. Citation to the provision of this ordinance for which a variance is sought, or under which an appeal is applied for
 5. Justification of the request for variance or a description of the circumstances resulting in the appeal
 6. A statement of the relief sought

- d. In the exercise of its power and duties, the Board of Appeals, through its chairman or in his absence its acting chairman, may compel the attendance of witnesses and may administer oaths prior to taking the testimony of any witness.

- e. In addition to the findings required before the granting of any variance under this section, the Board of Appeals may consider any other evidence necessary to show compliance to the intent and purpose of this ordinance.

- f. The board, in granting any appeal or variance, may attach such conditions to said approval as in its determination are necessary to achieve the intent and purpose of this ordinance.

Section 8.3 Procedures and Referrals

- a. All applications for action by the Town Land Use and Building Management Board of Appeals shall be made to the Enforcement Officer on such forms as he may prescribe. Such applications may be made at any time except that an application for appeal under Section 8.2a above shall be made within thirty (30) days of the action being appealed.

- b. The hearing of an appeal or application shall take place within sixty (60) days of the filing of the appeal or application.
- c. Upon a motion initiated by any member and adopted by the unanimous vote of the members present, but not less than a majority of all members, the Board of Appeals shall review at a rehearing, any order, decision, or determination of the board not previously reviewed. Upon such rehearing, and provided it shall appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, decision, or determination reviewed will be not be prejudiced thereby, the board may, upon concurring vote of all the members present, reverse, modify or annul its original order, decision or determination.
- d. The Board of Appeals shall reach a decision on any application or appeal within forty-five (45) days of the final hearing thereon. Such decisions shall be promptly filed in the office of the Town Clerk and shall be a public record. Within seven (7) days of such decision, notice thereof shall be transmitted to the Otsego County Planning Board whenever such decision related to an application referred to said County Planning Board.

Section 8.4 Judicial Review

- a. Any person or person, 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 Seventy-eight (78) of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk. The court may take evidence or appoint a referee to take evidence as it may direct and report the same with his findings of fact and conclusions of laws if it shall appear that testimony is necessary for the proper disposition of the matter. The court, at a special term, shall itself dispose of the case on the merits, determining all questions which may be presented for determination.
- b. Costs shall not be allowed against the Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- c. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
- d. If, upon the hearing at a special term of the Supreme Court, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct or report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partially, or may modify the decision brought up for review.

ARTICLE 9 MISCELLANEOUS PROVISIONS

Section 9.1 Amendments

- a. The regulations and provisions of this ordinance or the boundaries shown on the Land Use and Building Management District Map may be amended, supplemented, changed, modified or repealed by ordinance adopted by the Town Board. In case, however, of a protest against such change, signed by the owners of twenty per centum (20%) or more, either of the area of land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by vote of at least three-fourths (3/4) of the members of the Town Board.
- b. No amendment, supplement, change or modification of these regulations or the boundaries shown on the Land Use and Building Management District Map shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.
- c. Every amendment to this ordinance, excluding any map incorporated therein, adopted pursuant to this section, shall be entered in the minutes of the Town Board; such minutes shall describe and refer to any map adopted in connection with such amendment. A copy thereof, exclusive of any map incorporated therein, shall be published once in a newspaper having general circulation in the town and affidavits of the publication thereof shall be filed with the Town Clerk. Such amendment shall take effect ten (10) days after such publication, except that where a certified copy of such amendment is personally served on any person, the effective date shall be the date of such service, with respect to the serviced person.

Section 9.2 Referrals to Town Planning Board

All proposed amendments to this ordinance shall be referred to the Town Planning Board which shall recommend action thereon to the Town Board based upon its consideration of the Town Comprehensive Plan. The Town Planning Board shall report its recommendation on such referral to the Town Board within thirty (30) days of such referral.

Section 9.3 Interpretation and Conflict With Other Laws

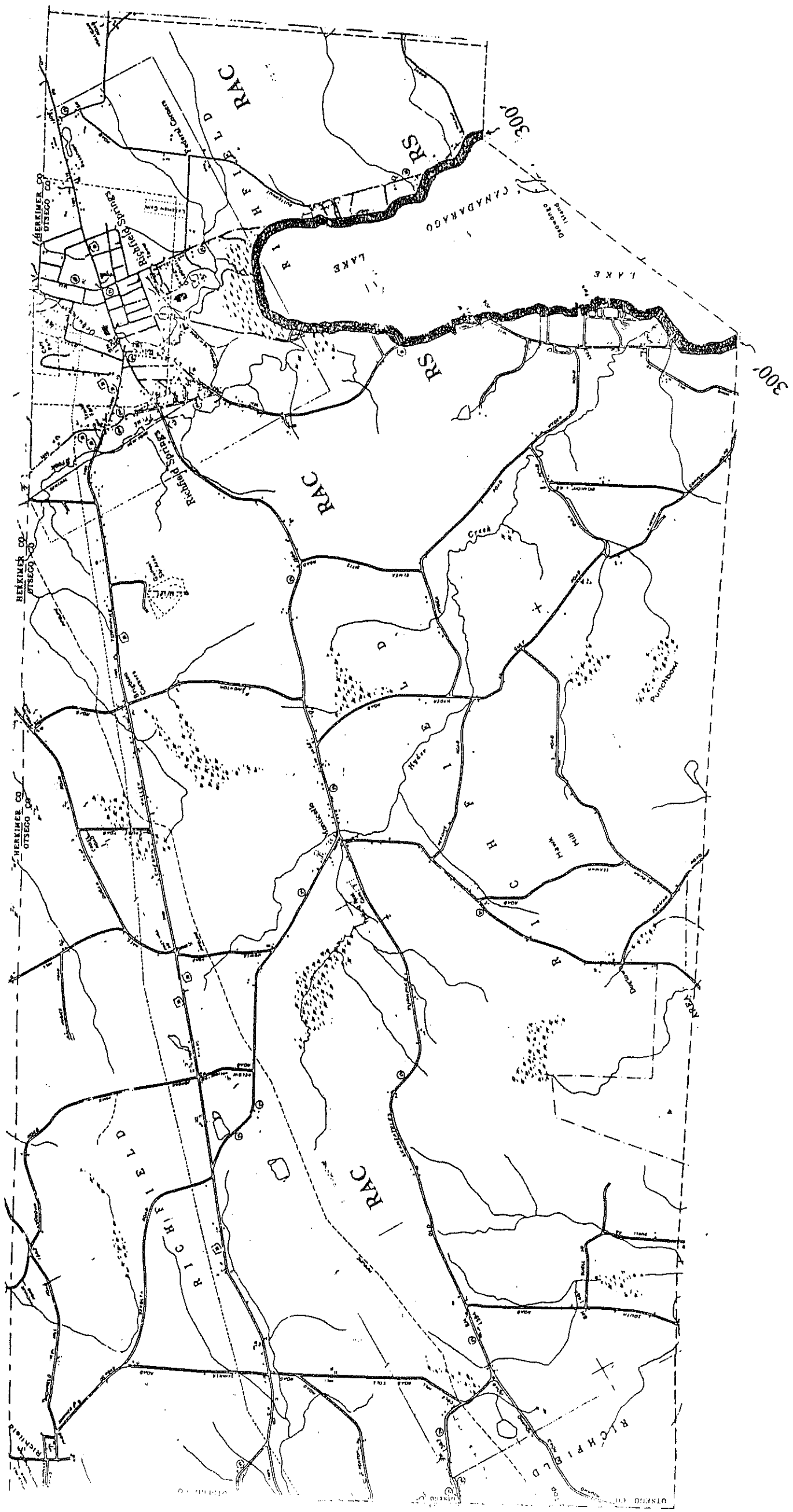
In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of public health, morals, safety or general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

Section 9.4 Separability

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

Section 9.5 Adoption and Effective Date

This ordinance and accompanying map was adopted by the Richfield Town Board on September 10, 1992, shown in the minutes of that date. This ordinance shall take effect immediately after proper filing.



TOWN OF RICHFIELD

LOCAL LAW # 1 OF 2004

**A LOCAL LAW AMENDING
THE ZONING LAWS IN CERTAIN DISTRICTS**

BE IT ENACTED BY the Town Board of the Town of Richfield, Otsego County, State of New York

SECTION 1.

Article 4.1 One-acre Residence-Agriculture District-Commercial District is amended as follows:

a. Permitted uses:

1. One family dwellings.
2. Two family dwellings.
3. Farms and agriculture uses, including temporary stands for the sale of agriculture products only
4. Accessory uses to any permitted use
5. Mobile homes
6. Home occupations

b. All other uses must obtain a special permit per Section 7.3 Special Permits:

c. Lot areas and yard regulations pertaining to all structures:

1. Minimum lot area-1 acre (43,560 square feet) usable land, excluding right-of-ways
2. Minimum frontage on public highway-60 feet
3. Minimum front yard setback- 75 feet from the center of a public road or right-of-way or 50 feet from the edge of a public road or right-of-way, whichever is greater
4. Minimum side yard width- 25 feet
5. Minimum rear yard depth- 50 feet

d. Special Regulations:

1. Sewage disposal systems and water systems must conform to the New York State Department of Health Standards.

SECTION 2.

Article 4.2 RSD Recreational and Seasonal Commercial District is amended as follows:

The following regulations shall apply in all RSCD Districts:

a. Permitted uses:

1. One family dwellings.
2. Two family dwellings.
3. Farms and agriculture uses, including temporary stands for the sale of agriculture products only
4. Accessory uses to any permitted use
5. Mobile homes
6. Home occupations

b. All other uses must obtain a special permit per Section 7.3 Special Permits:

c. Lot areas and yard regulations pertaining to all structures:

1. Minimum lot area- 22,000 square feet
2. Minimum frontage on a street -30 feet
3. Minimum front yard setback- 50 feet from the center of the nearest roadway or common right-of-way or 35 feet from edge of nearest public roadway or common right of way whichever is greater
4. Minimum side yard width- 10 feet

d. Special Regulations:

1. Building permits shall be required for all new construction
2. Sewage disposal systems and water systems must conform to the New York State Department of Health Standards.

SECTION 3.

Article 7.2 Permits, Certificates and Licenses is amended as follows:

No building or structure shall be constructed, erected, altered, extended, or repaired unless a building permit is issued by the Enforcement Officer. No building permit shall be required for activity involving the improvement, repair or maintenance of an existing building or structure were such improvement does not enlarge the structure and the total amount expended within any twelve (12) month period for all such activity is less than six thousand dollars (\$6,000.00). All building permits shall expire either upon the completion of the project, or 24 months after issuance whichever is earlier.

SECTION 4.

Article 7.4 Penalties for Violation is amended as follows:

a.) Violation of this ordinance is an offense punishable by a fine not exceeding \$100 a day for each day such violation exists. For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this ordinance shall be misdemeanors, and for such purposes only, all provisions of laws relating to misdemeanors shall apply to violations of this ordinance.

SECTION 5.

This local law shall take effect upon the filing with the Secretary of State of the State of New York.

Ordinance # 2 of 2005

**AN ORDINANCE AMENDING “LAND USE AND BUILDING
MANAGEMENT ORDINANCE OF THE TOWN OF RICHFIELD OTSEGO
COUNTY, NEW YORK”**

BE IT ORDAINED by the Town Board of the Town of Richfield as follows:

Section 1. That Article 4, “District Regulations” of the said Town Ordinance is amended as follows:

1. Section 4.29(c), “Lot Area and yard regulations pertaining to all structures”, is hereby amended to read:

1. Minimum lot area – 25,000 square feet, exclusive of right’s of way or non-buildable easements.
2. Minimum frontage on a street – 60 feet
3. Minimum lot width at any point – 60 feet
4. Minimum front yard setback – 35 feet
5. Minimum side yard width – 10 feet

2. Section 2.2 “Definitions”, is hereby amended to read:

1. Subdivision: The division of any parcel of land into two or more lots, blocks or sites, with or without street or highways and includes resubdivision.

Section 2. This ordinance shall take effect immediately.

Ordinance # 3 of 2005

**AN ORDINANCE AMENDING "LAND USE AND BUILDING
MANAGEMENT ORDINANCE OF THE TOWN OF RICHFIELD OTSEGO
COUNTY, NEW YORK"**

BE IT ORDAINED by the Town Board of the Town of Richfield as follows:

Section 1. That Article 4, "District Regulations" of the said Town Ordinance is amended as follows:

Section 4.2 (d), "Special regulations", is hereby amended by the addition of following sections to the current section and subdivision to now read:

3. The height of any structure within the district shall be limited to no more than two (2) stories or thirty-four (34) feet whichever is less.
4. If the proposed construction is subject to a site plan review, in addition to any other matter for consideration in its review, the Planning Board shall consider the impact of the height and location of the proposed structure on viewsapes and lines of sight both of adjacent landowners and the public.
5. The height of any fence within the district shall be limited to not more than 6 feet.

Section 2. This ordinance shall take effect immediately.