

**THE TOWN OF
ERIN**

CHEMUNG COUNTY, NEW YORK

**COMPREHENSIVE
ZONING
PLAN**

Date of adoption
May 3, 1992

HISTORIC BACKGROUND FOR COMPREHENSIVE ZONING PLAN TOWN OF ERIN

TOWN OF ERIN PROFILE

GEOGRAPHY

The Town of Erin is located in the northeastern portion of Chemung County. It is linked by State Route 223, which bisects the Town, with the Elmira-Horseheads-Big Flats urban complex to the west and the village of Van Etten, and beyond Ithaca, Waverly, Sayre and Athens, on the east. The most thickly populated area of the Town lies in the upper reaches of the Newtown Creek Valley, traversed by State Route 223, extending easterly from Horseheads. The easterly boundary of the Town is marked by the Swartwood Mountain Ridge.

Most of the Town's 45 square miles consists of rolling hills and steep valleys, with the exception of the broader Newtown Creek Valley, which with its level terrain and well-drained Howard-Chenango association soil which is well drained throughout most of the area, has become thickly populated. The balance of the Town, or more than 80%, is composed of Volusia-Lordstown association soil, varying from gently sloping to steep, somewhat poorly drained, having a moderately seep fragipan on the upland areas, which accounts for less settlement by the populace. The Hamlet of Erin is centered in the Town within the easterly limits of the Newtown Creek Valley.

HISTORY OF POPULATION TRENDS

The transition of the Town from dependency of forestry products and marginal farming to people who work outside the Town in various health, manufacturing, public service and other jobs, to residences for elderly, has almost completed the cycle, as there are very few active farms that provide a living for the occupants and most of the former active farmland is rapidly growing up to brush and second growth forests. This transition has resulted in an increase in population. The 1990 census lists the Town as having a population of 1991, which is a huge increase from 789 listed in the 1940 census. Today, although the Town has no real economic base, the good highway system creating easy access to urban areas has accounted for the large increase in population of those who like rural living. This rise in population can also be attributed to the increase in the urban area creating more jobs for the commuting public, thus the population has spread out from the fertile valley area to more of the outlying territory which has, in turn, created an excellent system of county and town highways interlacing the complete town. Today, Erin's population can be classed as almost 100% rural non-farm living.

HOUSING

Housing conditions appear to have improved substantially in the past decade. There has been an average increase of nine new housing units per year during that period. The new units have been composed of roughly 50% conventional housing and 50% mobile home units except for the year 1984 when mobile homes exceeded conventional units by a

three-to-one ratio. For the past decade the overall composition percent of conventional homes and mobile homes is 43% and 57%, respectively, which would seem to be a favorable rate considering the cost of building.

There has been a marked decrease in sub-standard housing (housing that lacks one or more basic plumbing fixtures, including running water). Due to the significant increase in the cost of housing the general option is that we are having an unfavorable increase in mobile homes, but the facts are that the ratio of mobile homes to conventional homes has actually declined compared to the previous decade.

With the upgrading of the older housing and erection of new housing very few homes in the Town of Erin are valued at less than \$20,000 while a few of the newer conventional homes exceed \$150,000 in value.

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ARTICLE I DEFINITIONS

Section 100 Definitions

For the purpose of this Local Law, certain words and terms shall have the meaning specified in this section. Except where specifically defined herein, all words used in this Local Law, shall carry their customary meanings. Words used in the present tense include the future; the singular number includes the plural and the plural the singular. The word “*lot*” includes the words “*plot*” or “*parcel*.” The word “*building*” includes the word “*structure*.” The words “*used*” or “*occupied*.” include the words “*designed*” or “*intended to be used*” or “*designed or intended to be occupied*” The word “*person*” includes the words “*firm*”, “*association*”, “*partnership*”, “*trust*”, “*company*”, or “*corporation*”, and “*individual*”. The word “*Shall*” is intended to be mandatory.

Accessory use or structure - A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Alteration - As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Boarding House - Any dwelling in which more than three persons, either individually or as families, are housed or lodged with or without meals for which compensation is paid, either directly or indirectly. The term “*boarding house*” shall include “*rooming house*”, “*lodging house*”, but not foster home.

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

Building Area - The total floor space taken in a horizontal plane at the main grade level and at floor levels of each story of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Camp, Private - Any area of land, or land and water, including any buildings, tents, shelters, or other accommodations suitable for temporary or seasonal living purposes, and any dwelling units occupied by the owner, caretaker, or superintendent.

Club - An organization catering exclusively to members and their guests, or premises of buildings for recreational or athletic purposes which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club.

Commercial Garage - A place used for repairing of motor vehicles for remuneration.

Commercial Vehicle - Generally defined as any vehicle used or designed to be used as part of the normal operation of commercial enterprises including but not limited to trucks, vans, and truck tractors.

Convalescent Home - Any establishment where three or more persons suffering from, or afflicted with, or convalescing from any infirmity, disease or ailment are habitually kept or boarded or housed for remuneration. This term shall not include municipal or incorporated hospitals, but shall include establishments licensed by the State

Commissioner of Mental Hygiene and maternity homes licensed by the State Commissioner of Health. The term “*convalescent home*” shall include “*nursing home*”

Conventional Home - Any prevalent established type of building construction.

Coverage - That percentage of a lot covered by the combined area of all buildings or structures on the lot. (In planned developments and major subdivisions, coverage includes only net build able area).

Dog Kennel - A structure used for the harboring of more than three registered dogs that are more than six months old,

Dwelling - A building designed or used exclusively as the living quarters for one or more families. A dwelling shall *not* be deemed to include an automobile court, hotel, boarding house, tourist home, or tent.

Dwelling Unit - A building or portion thereof providing complete living facilities for one family.

Dwelling One-Family - A detached building containing one dwelling unit only.

Dwelling Two-Family - A detached building containing two dwelling units.

Dwelling Three-Family and Four-Family - A detached building containing three dwelling units and four dwelling units, respectively.

Family - One or more persons occupying a dwelling unit and living as a single housekeeping unit in a domestic relationship, including domestic help, but not including a group occupying a boarding house, club, fraternity, tourist home, motel or hotel.

Farm - A unit of land consisting often (10) or more acres, of which five (5) acres are used for cultivation, pasture or other customary agricultural purposes.

Funeral Home - A structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Garage - A structure commonly used for the housing of automobiles, either attached or separate from a dwelling unit.

Gasoline Service Station - Any area of land, including structures thereon that is used for the sale of gasoline or any other motor vehicle fuel and oil, and other lubricating substances, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, excepting painting of automobiles,

Height of Building - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat rooms, and to the mean height between eaves and ridge for gable, hip and gambrel roof.

Home Occupation - Any use customarily conducted entirely within a dwelling and carried on primarily by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for habitation purposes and does not change the character thereof.

Home - Types of Homes or Dwellings

Conventional - any prevalent established type of on-site building construction.

Factory-Built Housing - A factory-built structure designed for long-term residential use. For the purpose of these (land use) regulations factory-built housing consists of three types: Modular Homes, Mobile Homes, and Manufactured Homes.

Manufactured Home - A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is built in compliance with the Federal Manufactured Home Construction and

Safety Standards. See 24 Cm for legal definition

Mobile Home - A transportable factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976.

Modular Home - Factory-built housing certified as meeting the (Local or) State building code as applicable to modular or industrialized housing. APA suggests that the term “*modular home*” includes such factory-built homes as “*panelized homes*” and “*pre-cut homes*”.

Hospital - A structure or group of structures used for diagnosis, treatment, or other care of ailments. The term “*hospital* shall include ‘*sanitarium* ‘, but shall *not* include *convalescent home, nursing home or medical clinic*.

Hotel - A building containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests and only a general kitchen and dining room and other customary features are provided within the building or accessory buildings.

Junk Yard - A lot, land or structure, or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material; or primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles and for sale of parts thereof. A lot, land or structure containing machinery or vehicles that are or have been used in connection with a permitted use of such lot, land or structure (e.g. farm machinery on a farm shall not be identified as being a junk yard), shall mean any place of storage or deposit, whether In connection with another business or not, where two or more unregistered, old or secondhand vehicles, no longer intended or in condition for legal use on public highways, are held, whether for the purpose of resale or used parts there from, for the purpose of reclaiming for use some or all the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing or storing of the same for any other purpose; such term shall include any place or storage or deposit anywhere in the Town of Erin, for any such purposes of used parts or waste materials from motor vehicles which taken together, equal in bulk, two or more such vehicles, provided however, the term “*Junk Yard*” shall not be construed to mean an establishment having facilities for processing iron, steel or non-ferrous scrap and whose principal produce is scrap iron, steel or non-ferrous scrap for sale for reselling purposes only.

Lot - A parcel of land occupied or capable of being occupied by one or more buildings and the necessary accessory buildings or customarily incidental uses, including such open spaces as are arranged and designed to be used in connection with such buildings.

Lot Area - The total ground space included within the property lines.

Lot Building Area - In subdivisions and planned developments lot building area shall exclude all unbuildable land, such as wetlands; land exceeding fifteen (15) degrees of slope. Such planned developments and subdivisions shall not cover more than fifty (50) percent of build able area.

Lot Lines - The legal property lines bounding a lot as defined herein.

Lot Width - The mean horizontal distance measured between the side lot lines.

Manufactured Home - A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is built in

compliance with the Federal Manufactured Home Construction and Safety Standards. See 24 CFR for legal definition.

Mobile Home - A transportable factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976.

Modular Home - Factory-built housing certified as meeting the (Local or) State building code as applicable to modular or industrialized housing. APA suggests that the term “*modular home*” includes such factory-built homes as ‘*panelized homes*” and “*pre-cut homes*”.

Motel - A building or group of buildings, detached or connected units, designed for or used as individual sleeping units and provided with automobile parking space convenient to each unit and including incidental services for a transient clientele. The term “*motel*” shall include “*tourist court*”, “*motor lodge*”.

Motor Vehicle - Shall mean all vehicles propelled by power other than muscular power, originally intended for use on public highways.

Non-Conforming Use - A building, structure, or use of land existing at the time of enactment of this Local Law, which does not conform to the regulations of the district in which it is situated.

Parking Space - An off-street space on the ground or in a structure available for the parking of one motor vehicle and having an area of not less than one hundred eighty (180) square feet, exclusive of passageways, and driveways appurtenant thereto, giving access thereto, and having a direct usable access to street, road, lane, or alley.

SEORA (State Environmental Quality Review Act) - An action or combination of activities for which an agency has the jurisdiction to make discretionary decisions for such as the following, shopping center, housing project, factory, dredging, park, gravel mine, roads, landfill, land resource preservation, subdivision, formation of an agricultural district, wetlands protection, handling of toxic waste, health regulations, etc.

Sign - Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include and letter, word, picture, light or other device for visual communication that is used for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. The term “*sign*” shall include the terms “*billboard*”, “*advertising sign*”, and “*outdoor advertising sign*”. Public Service Signs are signs that communicate a message intended to be for the convenience of the public telling about the location, character, size and other pertinent information about a public or quasi-public place or facility, or a hotel, motel, restaurant, or automotive service station, but otherwise excluding a commercial enterprise or product.

Story - The portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, the space between any floor and the ceiling next above it. A basement shall be counted as a story if the ceiling is more than six feet above the level from which the height of the building is measured.

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

Subdivision and Land Resource Preservation - The division of any tract or parcel of land, with the exception of cemeteries, agricultural purpose or mobile and manufactured home parks into five or more parcels or sites, with or without the creation of new streets,

highway, lanes, alleys or other means of access, for immediate or future transfer of ownership, whether or not new building or development is to occur. Subdivision shall include re-subdivision in whole or in part of any lot, parcel, tract, or site, filed or unfiled, which is entirely or partially undeveloped.

Subdivision Major - Any subdivision not classified as a minor subdivision, including subdivisions of five (5) or more lots or any subdivision requiring any new street, road, lane or alley or the extension of municipal facilities.

Subdivision Minor - The subdivision of any tract or parcel of land into not more than four (4) lots, parcels, tracts or sites to be used for residential purposes and fronting on an existing street, not involving any new street or road or the extension of any municipal facilities, not adversely affecting the development of the remainder of the property or of adjoining parcels and not in conflict with the Comprehensive Zoning Ordinance of the Town of Erin.

Theater - A building or part of a building devoted primarily to showing moving pictures or stage productions on a paid admission basis.

Tourist Home - A dwelling, except a hotel, boarding house or rooming house in which overnight accommodations are provided for transient guests for compensation.

Yard - An unoccupied space open to the sky on the same lot with a building.

Yard Front - An open, unoccupied space on the same lot with a building situated between the centerline of a street, road, lane or alley and a line connecting the parts of the building setting back from and nearest to such a street, road, lane or alley and extending to the side lines of the lot.

Yard Rear - An open, unoccupied space on the same lot with a building situated with the rear line of the lot and a line connecting the parts of the building setting back from and nearest to such rear lot line, and extending to the side lines of the lot.

Yard Side - An open, unoccupied space on the same Lot with the building from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ARTICLE II ADMINISTRATION

Section 200 Code Enforcement Officer

The provisions of this Local Law shall be administered and enforced by the Code Enforcement Officer, who shall be appointed by the Town Board. The Code Enforcement Officer shall have the power to make inspections of buildings and property necessary to carry out his/her duties in the enforcement of this Local Law.

Section 201 Zoning Permits

No building shall be erected, moved, altered, added to, or enlarged (excepting accessory buildings having a floor of one hundred forty-four (144) square feet or less, and not exceeding ten (10) feet in height may be placed or erected without a permit if yard clearances are maintained), and no excavation for any building shall begin unless and until a zoning permit for such work has been issued by the Code Enforcement Officer. No zoning permit shall be issued except in compliance with the provisions of this Local Law, or as directed by the Board of Appeals. Unless there has been substantial progress in the work for which Zoning

Permit was issued, said Zoning Permit shall expire one (1) year from date of issue.

Section 202 Applications and Fees Amended Local Law #2 of the year 2004

Applications for Zoning Permits shall be made to the Code Enforcement Officer on forms provided by the Town. Each application shall set forth the purpose for which the building is intended to be used and shall be accommodated by a plot plan showing the dimensions of the lot, location and dimension of all buildings or structures, dimensions of required yards, location of all streets, drives or highways, names of abutting property owners and an arrow indicating the north direction. The Code Enforcement Officer may require such additional information as may be reasonably needed for him to determine if the proposed building or structure, its use and the use of the land are in conformity with this Local Law. Fees for such permits shall be established by the Town Board and shall be paid to the Enforcement Officer at the time of filing of application.

Section 203 Certificate of Occupancy

A Certificate of Occupancy is required for any of the following:

1. Occupancy and use of a building or structure hereafter erected, altered, moved or extended.
2. Change in the use of an existing building or structure.
3. Occupancy and use of vacant land, except for any use primarily of tilling the soil for agricultural or similar use.

Section 204 Application and Issuance of Certificate of Occupancy

A Certificate of Occupancy may be obtained by application to the Code Enforcement Officer. Such certificate shall be issued only if the proposed use of the building, structure or land conforms to the proposed use of the building, structure or land conforms to the provisions of this Local Law and any other ordinance which require a Certificate of Occupancy. The Code Enforcement Officer shall make or cause to be made an inspection of each building or structure or lot for which a Certificate of Occupancy has been applied for prior to issuing such a Certificate of Occupancy. Such inspection shall be made within fifteen (15) days from date of application, Saturdays, Sundays and holidays excepted.

Section 205 Referral to County Planning Board

At least thirty (30) days prior to any required hearing on an amendment, supplement, repeal, or change of the regulations or district boundaries, or the issuance of any special permit or variance, the Town Board shall comply with the provisions of Article 12-B, Section 239-1 and 339-rn of the General Municipal Law, as amended, and refer to the County Planning Board proposed amendments or variances affecting property within a distance of five hundred (500) feet from the boundary of any city, village, or town or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or

highway, or from the existing or proposed right-of-way of any stream or drainage channel lines, or from the existing or proposed boundary of any county or state land on which a public building or institution is situated. Failure of the County Planning Board to reply to such referral within thirty (30) days shall be deemed as approval of said amendments, variances, or special permits.

Section 206 Effect on Adverse Report by County Planning Board

If such County Planning Board recommends disapproval or recommends modifications in the proposed amendment, special permit or variance, such change shall not become effective except by a majority vote of all the members of the Town Board and the adoption of a resolution frilly setting forth the reasons for action contrary to the recommendations of the County Planning Board.

Section 207 Board of Appeals

Powers and Duties. The Board of Appeals as heretofore established is continued in accordance with the provisions of Section 267 of the Town Law. The Board of Appeals shall have such powers and perform such duties as prescribed by Section 267 of the Town Law and all other statutes, ordinances, rules or regulations as the same may exist, In addition to such powers and duties the Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass by the terms of this Local Law.

Section 208 Interpretation

In interpreting and applying the provisions of this Local Law they shall be held to the minimum requirements for the promotion of public health, safety, and general welfare. When this Local Law imposes a greater restriction on the use of buildings or structures or land, or requires larger open spaces, or makes any other greater requirement than is imposed or required by any other ordinance, rule or regulation, or easement, covenant or agreement, the provisions of this Local Law shall govern.

ARTICLE III VIOLATIONS AND PENALTIES

Section 300 Violations and Penalties [Revised June 5th 2017](#)

A violation of this Local Law is hereby declared to be an offense, punishable by a fine not exceeding \$250.00, or imprisonment for a period not to exceed fifteen (15) days, or both.

Each week's continued violation shall constitute a separate, additional violation.

In case any building or structure is erected, constructed, altered, reconstructed, converted or maintained, or any building, structure or land is used, or any land divided into lots, blocks or sites in violation of this Local Law or of any ordinance or other regulation made under the authority conferred thereby, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of and, to restrain, correct or abate such violation, to prevent any illegal act, conduct

business or use in or about such premises; and upon failure or refusal to the proper local officer, board or body of the Town to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the Town, so to proceed, any three (3) taxpayers of the Town, residing in the district wherein such violation, may institute such appropriate action or proceeding in a like manner as such local officer, board or body of the Town is authorized so to do.

ARTICLE IV AMENDMENTS

Section 400 Amendments: How Initiated

The Town Board may, from time to time, on its own motion or petition, amend, supplement, repeal or change the regulations and district boundaries established by this Local Law. The Planning Board may, by resolution, propose an amendment, supplement, change, or repeal of the regulations or district boundaries to the Town Board. Amendment, supplement, repeal or changes are subject to the provisions herein set forth.

Section 401 Referral of Proposed Amendments to the Planning Board

All proposed amendments originating by petition or by motion of the Town Board shall be referred to the Planning Board for a report and recommendation before the Town Board for a report and recommendation before the Town Board acts thereon. The Planning Board shall submit its report within sixty (60) days after receiving such referral. Until such report is received or the expiration of the sixty (60) day period, the Town Board shall not take action on the proposed amendment.

Section 402 Notice and Hearing on Proposed Amendments

Before any amendment, repeal or change of the regulations or district boundaries of the Local Law there shall be a public hearing as provided bylaw.

Section 403 Protest Petition

If a protest against a proposed amendment, supplement, repeal, or change be presented to the Town Board, duly signed by at least twenty (20) percent of the property owners of the land including in such proposed change, or that immediately adjacent extending one hundred (100) feet there from, 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 the favorable vote of at least four (4) members of the Town Board. Amendments shall take effect ten (10) days after proper publication and posting as provided by law.

ARTICLE V ERIN MASTER PLAN

Section 500 Purposes

There is hereby established a comprehensive or master zoning plan for the Town of Erin, Chemung County, New York, which plan is set forth in the text, maps, and schedules which constitute this Local Law. Said plan is adopted for the purposes set forth in Article 16, Chapter 62 of the Consolidated Laws of the State of New York, and more particularly for the protection and promotion of the public health, safety, convenience, morals, and general welfare of the community as follows:

1. To guide the future growth and development of the Town in accordance with a comprehensive plan of land use and population density that represents and promotes beneficial and convenient relationships among residential, commercial, and public areas within the Town, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and mode of living.
2. To provide adequate light, air, and privacy; to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
3. To protect and conserve the rural character, the environment, and the stability and value of all parts of the Town; to encourage the orderly and beneficial development of all parts of the Town.
4. To bring about the gradual conformity of the uses of land and buildings throughout the Town to the Comprehensive zoning plan set forth in this Local Law, and to minimize conflicts among the uses of land and buildings.
5. To promote the beneficial circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient traffic movements.
6. To provide a guide for public policy and action in the efficient provisions of public facilities and services, and for private enterprises in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.
7. To ensure that the legislative power of officials of the Town of Erin shall be ruled and governed by standards as clearly defined as possible so they cannot operate in an arbitrary and discriminatory fashion and will actually be directed to the safety, health, welfare, and morals of the people of the Town of Erin.
8. To ensure inclusion of all the areas contained in the National Flood Insurance Program as shown in maps effective August 13, 1982 number as follows 361374 001 0030 panels 5-10-15-20-25-30, or as updated or corrected. A development permit shall be obtained before construction or development begins in these areas.
9. To promote the preservation of agricultural land and forests.
10. To guide the proper usage of the upland soils that have dense fragipans or till layers within one and one-half to four feet of the surface as the soils have a profound effect on subsurface water

behavior, drainage, and erosion, care must be exercised in developing these areas.

11. To ensure that conventional homes, mobile, manufactured and modular homes, agriculture, light industry, recreational areas, and natural resources shall be developed in an orderly fashion and that each is compatible with its surroundings.

12. The underlying purpose of this Master or Comprehensive Plan is to control land, building, and resources for the benefit of the whole of the Town of Erin, based upon consideration of the Town's problems and to ensure a uniform policy toward all residents of the Town of Erin.

Section 501 Districts Amendment. Local Law 1-97

By the Master Plan as set forth in the text, maps and schedules which constitute this Local Law, the Town of Erin is hereby divided into the following districts:

AR (Agricultural-Residential) - all of that portion of the Town of Erin, except as otherwise designated.

AR-1 (Agricultural-Residential with restrictions) - Five hundred (500) feet each side of Federal Road from the Baldwin town line to the intersection of Marsh Road and Federal Road.

AR1-R New Classification (Same as AR-1 with additional restrictions). - Five Hundred (500) feet each side of State Route 223 from the Horseheads Town Line to the hamlet of Erin, except Shamrock Drive which remains R1. Fairview Road – Five Hundred (500) feet each side from its intersection with State Route 223 to its intersection with Marsh Road.

R-1 (Residential) - All of that area comprising Shamrock Drive. -

R-2 (Residential in the Hamlet of Erin. Account Small Lot Size) - All that property within the Hamlet of Erin.

Section 502 Permitted District Uses - Permitted Principle Uses and Permitted Accessory Uses

AR - Permitted Principle Uses

Other farm use, dairy and farm stock, riding horses, domestic fowl, forestry or other farm use, greenhouse, plant or tree nursery, truck garden. There must be no unenclosed storage of manure or other odor- or dust producing substance within two hundred (200) feet of any property line.

Dwelling for one or two families per Tax Map Parcel. **Revised April 2012**
church or other place of worship, convent, parish home, Sunday school building.
Public school or parochial school.

Golf course, except a commercial miniature course or driving range.

Public park.

Cemetery.

Private camp for seasonal residence.

Fire station or other public structure necessary to the protection or servicing of the neighborhood of district.

AR - Permitted Accessory Uses

Home occupations permitted in all districts.

Home Occupation:

1. Home occupations shall be conducted by the persons residing in the dwelling unit in which said home occupation is located and no more than four (4) additional employees.
2. A home occupation shall be a subordinate use of a commercial or service nature, which is not detrimental to the residential character of the lot on which the home occupation is located or of the surrounding neighborhood.
3. Home occupations shall consist of activities such as hairdressing, tailoring, teaching, professional offices such as doctors, lawyers, real estate, architects, artists, and similar occupations normally carried out in the home or dwelling.
4. A home occupation shall generate no unusual traffic and shall produce no offensive noise, smoke, odor, heat, glare, or electronic disturbance beyond the property it occupies.
5. The amount of the entire dwelling that may be used for a home occupation shall be no more than thirty-three (33) percent of the living space. For this purpose of this section, living space shall not include garage, attic or basement.
6. There shall be no external evidence of such home occupation other than one (1) identification sign not exceeding (3) square feet in area.

Keeping of not more than two (2) non-transient roomers or boarders.

Seasonal vacation farm.

Garage for private motor vehicles, garage for commercial vehicles used as a part of a permitted use on the premises, and garage for not more than one other commercial vehicle.

Barns, silos, and other customary agricultural structures provided however that no barn, silo, or other customary agricultural structure shall be placed less than one hundred (100) feet from all property lines.

Storage sheds, tool house, garden house, play house, or similar structure.

Seasonal roadside stand located on a farm for the sale of agricultural products primarily produced on the premises.

Signs not exceeding sixteen (16) square feet in area, pertaining to a permitted use on the premises, including sale, lease, or rent signs, excluding general advertising signs, and devices, whether free-standing or painted on a building.

Farm pond.

Wildlife habitat

AR1 - Permitted Principal Uses

Same principal uses as permitted in AR districts except one- or two-family dwelling must be in a conventional or modular house.

AR1 - Permitted Accessory uses

Same permitted accessory uses as in AR districts.

AR1- R Permitted Principal Uses Amendment. Local Law 1-97, 1-99

The same as AR except for the following: Restriction 1 - Any dwelling erected in

said district shall contain no less than 720 square feet of occupancy space regardless of its type or method or mode of construction.

AR1- R Permitted Accessory Uses Amendment. Local Law 1-97

The same as AR district except for the following: Restriction 1 – Permitted accessory uses the same as AR district except for the harboring of any horses, cattle, swine, wild or domestic fowl, or any other animal customarily the subject of animal husbandry, shall be restricted to parcels of land ten (10) acres or more.

R1, R2 - Permitted Principal Uses **Revised April 21012**

Dwelling for one or two families per Tax Map Parcel

Public park.

Public school, parochial school.

Fire station or other use or structure necessary to the protection or servicing of the neighborhood or district.

Business (H) Refer to Article XI, Section 1100, Item 13, Item 14.

R1, R2 - Permitted Accessory Uses. Amendment. Local Law 1-95

Same as AR and AR-I except the following uses shall not be included.

1. Signs over four feet square in area.
2. Barns, silos, and other customary agricultural structures, including but not limited to stables, holding pens, or other enclosures for the keeping of horses, cattle, swine, wild or domestic fowl, or any other animals customarily the subject of husbandry.
3. Seasonal roadside stands.
4. The keeping of any horses, cattle swine, wild or domestic fowl, or arty other animal customarily the subject of husbandry.

PD (Planned Development) - Permitted Principal Uses

Uses permitted in the AR~ AR-I, R-1, and R-2 districts.

Multiple-family and apartment buildings.

Office buildings for business and professional uses, including administrative, scientific, research and development, education, data processing or similar occupation.

ARTICLE VI SUBDIVISION AND LAND RESOURCE PRESERVATION

Section 600 Purpose.

The purpose of this section is to establish minimum standards for the installation and construction of those improvements, which all subdividers are required to install when land in the Town of Erin is subdivided.

Section 601 Subdivision

The division of any tract or parcel of land with the exception of cemeteries, mobile and manufactured home park and land use for agricultural purposes into five (5) or more lots, parcels, tracts or sites with or without the creation of new streets for immediate or future transfer of ownership, whether or not new building or development is to occur. Subdivision, whether or not new building or development is to occur. Subdivision shall include resubdivision in whole or in part of any lot, parcel, tract or site, filed or unfiled which is entirely or partially

undeveloped.

Section 602 Minor Subdivision.

The subdivision of any tract or parcel of land into not more than four (4) lots, parcels, tracts or sites to be used for residential purposes and fronting on an existing street or highway, not involving any new street or highway or the extension of any municipal facilities, (not adversely affecting the development of the remainder of the property or of adjoining parcels and not in conflict with the Comprehensive Zoning Plan of the Town of Erin).

Section 603 Major Subdivision.

Any subdivision not classified as a minor subdivision, including subdivisions of five (5) or more lots requiring any new street or highway, or the extension of municipal facilities (not adversely affecting the development of the remainder of the property or of adjoining parcels and not in conflict with the Comprehensive Zoning Plan of the Town of Erin).

Section 604 Subdivider.

Any person, firm, corporation, partnership, association or agent of same, who shall lay out or propose any subdivision of land for the purpose of transfer of ownership or development, either immediate or future.

Section 605 Action To Be Taken

This article is to set forth for the guidance of the subdivider the actions, which shall be taken whenever land is to be subdivided in the Town of Erin, before any contract for the sale of a lot or lots in such subdivision is made and before any permit for the erection of any structure in such subdivision is granted.

Prior to developing detailed plans or submitting a sketch plan, for approval, the subdivider may discuss with the Town Board and Planning Board the scope and nature of the proposed subdivision in order to conserve time and expense.

Section 606 Application For a Special Permit to Subdivide.

Application for a special permit to subdivide, accompanied by proposed water supply and sewage disposal system, approved by Chemung County Health Department whenever land is to be subdivided in the Town of Erin, shall be made to the Erin Town Board or its authorized representative before any contract for the sale of lots in such subdivision is made and before any permit for the erection of a structure in such proposed subdivision is granted, when any or all of the following conditions prevail.

Section 607 Actions Covered.

1. Housing for five (5) or more individual dwellings.
2. A new access road or street is required for two (2) or more families,
3. Excavation, which affects removal of more than one hundred (100) cubic yards of material within any parcel or contiguous area.
4. Stripping, which affects more than twenty thousand (20,000) square

- feet on any parcel or contiguous area. (Refers to vegetation).
5. Grading, which affects more than twenty thousand (20,000) square feet on any parcel or contiguous area.
 6. Filling, which requires more than one hundred (100) cubic yards in any parcel or contiguous area.
 7. When erosion will cause washing or silting in any parcel or area.

Section 608 Actions Exempt.

The following activities are exempt from special permit requirements.

1. Agricultural operations, cemeteries.
2. Excavations for basements and footings of single-family housing and for septic disposal systems, wells, and swimming pools attendant to single-family homes, excepting those excavations, stripping or filling listed above.
3. Activities subject to permits under the Commercial Mining Operations of the Department of Environmental Conservation.
4. Household gardening and activities related to the maintenance of landscape features on existing developed lots, excepting such activities as are listed above.
5. Governmental activities that are exempt from these provisions by law.
6. Actions exempt by NYS Public Health Laws governing Subdivisions, Section 1115.

ARTICLE VII PLANNED DEVELOPMENT DISTRICT

The regulations of a Planned Development District are intended to establish a procedure for the approval of large-scale planned neighborhoods containing mixed housing types and including local services; or planned office research laboratory, or educational development, when properly planned and integrated with the community, is desirable for the economic growth and welfare of the town. Such Planned Development District may be established only in accordance with the procedure specified in the Comprehensive Zoning Plan.

Section 700 Procedure for Planned Development.

Application for a Planned Development shall be made to the Town Board or its authorized representative. The Town Board shall refer the application to the Planning Board for consideration.

The Planning Board shall require the applicant to furnish such preliminary plan, drawings, sketches, elevation drawings, development schedule, and such supplementary information as may be required for an understanding of the proposed development.

The requirements for permitted uses, lot area, lot width, yards, building coverage and height, shall be as specified in this schedule of District regulations and other provisions of this Comprehensive Zoning Plan. Such requirements are minimum specifications and may be made more restrictive.

The Planning Board may require such changes in said plans, drawings, sketches,

elevations and specifications as are found to be necessary to meet the requirements of this Local Law. The Board may make such additional requirements of this Local Law. The Board may make such additional requirements as are reasonably necessary to protect established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the municipality. In reaching its decision on the proposed development and the changes, if any, in the proposed preliminary plans, drawings, elevations and specifications, the Planning Board shall consider among other things, the following.

- 1 The need and desirability for the proposed use in the proposed location.
- 2 The existing character of the neighborhood in which the use would be located.
 - 1 The location of main and accessory buildings on the site and in relation to one another.
 - 2 The traffic circulation features within the site, and the amount, location, and access to automobile parking areas.
 - 3 The height and bulk of buildings and their relation to other structures in the vicinity.
 - 4 The location of driveways, service areas, and pedestrian ways.
 - 5 Proposed landscape and drainage treatment of the site.
 - 6 The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property and the neighborhood generally.

The Planning Board shall within ninety (90) days recommend approval, approval with modifications, or disapproval of such applications as submitted or amended and shall report

its decision to the Town Board. The applicant may amend the application to conform to Planning Board recommendations, in which case the application need not again be referred to the Planning Board.

The Town Board shall hold a public hearing on the proposal in accordance with the application or the amended application. Public notice shall be given as provided by New York State Town Law, giving ten (10) days notice thereof by the publication in the official newspaper of the Town.

The Town Board may then amend the Zoning Map so as to define the boundaries of the Planned Development District. Such action shall have effect only of granting permission for development of the specific proposed use in accordance with specifications, plans, drawings, and elevations as finally filed with the Town Board prior to the public hearing.

In the event that Development Schedule has not been maintained in the execution of the construction authorized by the Town Board within two (2) years from the date of approval, such approval may be revoked after public notice and hearing and the land in question shall be deemed subject to the same regulations and restrictions as were effective before such approval. The Town Board may extend its approval for additional periods of one (1) year.

ARTICLE VIII -LOT SIZE, YARD REQUIREMENTS, PERCENTAGE OF LOT COVERAGE Revised June 5th 2017

Section 800 Minimum Lot Requirement: Minimum Yard Requirement. Amendment.
Local Law 1-97

| District | Area | Width (ft) | Front | Side | Rear |
|----------|------------|------------|-------|------|------|
| AR | 3 Ac. | 150 | 30 | 20 | 30 |
| AR1 | 3 Ac. | 150 | 30 | 20 | 30 |
| AR1-R | 3 Ac. | 150 | 30 | 20 | 30 |
| R-1 | 3 Ac. | 100 | 30 | 20 | 30 |
| R-2 | 15,000 sf. | 75 | 30 | 10 | 30 |
| PD | 10 Ac. | * | * | * | * |

*Refer to Planned Development Procedures.

Exception - Residential lots of record as of May 13, 1992, the date of adoption of the amendment to the Comprehensive Zoning Plan of the Town of Erin. This amendment is intended to apply to future sub-divisions subsequent to April 9, 1997.

- All measurements including accessory uses.
- Front measurements from centerline of highway.

Percent of Lot Coverage.

Maximum Building Coverage of any lot not to exceed 25%, except PD.

ARTICLE IX ZONING MAP AND DISTRICT BOUNDARIES

Section 900 Rules for Interpretation of District Boundaries.

The boundaries of the zoning districts hereby established are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared by the signature of the Supervisor, attested by the Town Clerk following the words: *~This is to certify that this is the Official Zoning Map referred to in Section 900 of the Zoning Law of the Town of Erin* “No amendment to this Local Law which involves mailer portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map. The Official Zoning Map shall be kept on file in the office of the Town Clerk.

Section 901 Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, roads or alleys shall be constructed to follow the center line of such streets, highways, roads or alleys.

2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following town lines shall be construed as following such town lines.
4. Boundaries indicated as following railroad lines shall be construed to be the centerline of such railroad right-of-way.
5. Boundaries as indicated following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line, boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines and in the event of change in streams, rivers, canals, lakes or other bodies of water shall be construed as moving with the actual center lines,
6. Boundaries indicated in rules I through 5 above shall be so construed. Distances not specifically indicated on the Official Map shall be determined by the scale of the map.
7. If, after the application of the foregoing rules, uncertainty exists as to the correct, exact location of a district boundary, the Town Board shall determine and fix the location of said line.

ARTICLE X NON-CONFORMING USES

Section 1000 Continuation of Non-Conforming Uses.

1. The lawful use of any building, structure, or land existing at the time of the enactment of this Local Law except as otherwise noted in this article.
2. Abandonment of this status to a property or use does not occur unless there is a complete cessation of such non-conforming use for one (1) year.
3. A variance granted by the Board of Appeals is not a non-conforming use.

Section 1001 Non-Conforming Lots of Record.

Other provisions of this Local Law notwithstanding, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the adoption or amendment of this Local Law provided that the Board of Appeals should reach the decision that denial of the erection of such buildings would cause extreme hardship on the owner through no fault of said owner. Such lot must be in separate ownership and not contiguous with other lots in the same ownership.

Section 1002 Non-Conforming Use of Land.

No non-conforming use of land shall be enlarged or increased nor shall it be extended to occupy a greater area of land than that occupied by such use at the

time of the adoption or amendment of this Local Law. No such non-conforming use of land may be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time the adoption or amendment of this Local Law. No non-conforming use of land shall be changed to another nonconforming use.

Section 1003 Non-Conforming Buildings or Structures.

Where a lawful building or structure exists at the effective date of the adoption or amendment of this Local Law that could not be erected under the terms of this Local Law by reasons of restrictions of area, lot coverage, height, yards or other characteristics of the building or structure or its location on the lot, such building or structure may be continued so long as it remains otherwise lawful.

Section 1004 Non-Conforming uses of Buildings or Structures.

If a lawful use of a building or structure and premises in combination, exists at the effective date of the adoption or amendment of the Local Law, that would not be allowed in the district under the terms of this Local Law, the uses may remain so long as it remains otherwise lawful.

1. A non-conforming use may be extended to any part of a building or structure manifestly arranged or designed for use at the time of the adoption or amendment of this Local Law.
2. If no structural alterations are made, a non-conforming use of a building or structure may be changed to another non-conforming use by permission of the Board of Appeals, provided the Board of Appeals finds the proposed use is no more inappropriate or incompatible to the district in which located, than the existing use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards to minimize the impact of such proposed use on neighboring property.
3. If a non-conforming use of a building or structure is superseded by a permitted use, the non-conforming use may not hereafter be resumed.
4. If any building or structure in which any non-conforming use is conducted is hereafter removed, the subsequent use of the lot on which such building or structure was located, and the subsequent use of any building or structure erected thereon shall be in conformity with the regulations for the district.
5. Maintenance and repair work required to keep a non-conforming building or structure in sound condition shall be permitted. Nothing in this Local Law shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or any part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
6. Should a building or structure devoted to a non-conforming use be destroyed by any means to an extreme greater than 75 percent of its replacement cost at the time of destruction it shall not be reconstructed except as a permitted use.

7. Whenever a non-conforming use of land use of land, building or structure has been discontinued in all its phases for one (1) year, such use shall not thereafter be re-established, and any further use shall be in conformity with provisions of this Local Law. Discontinuance must be absolute with the manifestation of a clear intent on the part of the owner to abandon such non-conforming use, uses permitted by the Board of Appeals as variances shall not be deemed nonconforming uses.

8. Cessation of non-conforming billboards, other provisions of this Local Law notwithstanding, any billboard or advertising device existing in any district at the time of the adoption or amendment of this Local Law shall be discontinued within three (3) years from the date it becomes non-conforming.

ARTICLE XI USES REQUIRING SPECIAL PERMITS IN ALL DISTRICTS

Section 1100 Uses. **Revised April 2012**

1. Utility transmission lines, other than local service lines and unit substations.
2. Hospital, nursing, or convalescent home.
3. Temporary structures and operations in connection with and on the site of building or land development activities.
4. Commercial riding stable, commercial dog kennel, and commercial raising of fir bearing animals other than customary farm animals and riding horses.
5. Mobile and or manufactured home park. Refer to ARTICLE XIII.
6. Sub-division for residential purposes. Refer to ARTICLE VI.
7. Planned development. Refer to ARTICLE VII.
8. Public service signs
9. Veterinary hospital.
10. Private membership club
11. Trailer camp for seasonal recreation use.
12. Outdoor recreational use of a commercial nature requiring extensive open space, including riding ranches, campgrounds, swimming and picnicking, group catenng, fish and game farms, winter sports, craft centers, shooting ranges and golf driving ranges.
13. Businesses. Those businesses that are beyond the scope of neighborhood services.
14. Neighborhood services in all districts. The intent of this section and the following regulations is to identify areas within existing or proposed residential neighborhoods where the location of low-intensity commercial and service uses would be beneficial to residents of these neighborhoods and prevent proliferation of such uses in a scattered and uncontrolled manner. Such uses that conform to the character of the neighborhood and permitted under this regulation shall

consist of, but not limited to neighborhood shopping and service facilities, small grocery stores, drugstores, gasoline stations, automotive repair shops, eating and drinking establishments, small machine shops, etc., and other uses vital to and in harmony with the character of a neighborhood but not contrary to the intent of this Comprehensive Zoning Plan.

15. All uses not listed at Section 502 hereof as “Permitted Districts Uses – Permitted Principle Uses and Permitted Accessory Uses” shall require a Special Permit issued pursuant to Section 1100 of this Local Law.

Section 1101 Procedure for Uses Requiring Special Permits.

All uses identified as permitted uses requiring special permits are hereby declared to possess distinctive characteristics requiring individual examination to determine their suitability for particular sites and their impact on adjoining property and the area in general.

Notice to property owners. All applications for a special permit, including an appeal to the Board of Appeals under this Local law, shall contain an affidavit to the applicant that notice of application has been sent by First Class Mail to all property owners within two hundred (200) feet of the property lines of the property under consideration, and that such notice was mailed at least five (5) days prior to the making of the application and the location of property. The records of the Town Assessor shall be used for purpose of identification of property owners.

Required plan and application. Application for a special use permit and an accompanying site plan, drawn to a convenient scale, shall be submitted to the Town Board. This plan shall show the location of all buildings, parking areas, traffic access and circulation, open spaces, signs, and any special features and pertinent information. The uses of land adjacent to and facing the proposed site shall be indicated.

Any person aggrieved by the issuance of a special permit, or in case of denial of the permit, the applicant shall have the right to appeal to the Board of Appeals, which shall hear and decide the case.

Referral of application to Planning Board Applications for permits shall be forwarded by Town Board to the Planning Board which shall render its report to the Town board within sixty (60) days of receipt of referral by the Planning Board. Until such report is received or the expiration of the sixty (60) day period, the Town Board shall not take action on the application.

Public hearing by the Planning Board The Planning Board shall fix a reasonable time for a public hearing on the matter of granting the special permit, and it shall give public notice thereof by publication in the official newspaper of the Town notice of such hearing at least ten (10) days before the date thereof

The Planning Board shall consider each application and shall recommend the issuance of a permit if it finds that the following conditions have been met.

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of

the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

2. The location, nature, and height of buildings, walls and fences, and the nature and extent of landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

3. Operations in connection with any special use will not be more objectionable to nearby properties by reasons of noise, fumes, vibration or flashing of lights than would be the operations of any permitted use not requiring a special permit.

4. Parking areas will be suitable in size, properly located, and suitably screened from any adjoining residential uses, and the entrance and exit drives shall be located so as to achieve maximum safety. The Planning Board may recommend additional conditions and safeguards that are reasonably necessary to assure continual conformance to all applicable standards and regulations.

5. In addition to other provisions of this Local Law the following specific uses shall be subject to the State Environmental Quality Review Act, Site Plan Review, and Development.

6. Utility transmission lines, other than local service lines and unit substations.

7. Hospital, nursing or convalescent home.

8. Temporary structures and operations in connection with and on the site of building or land development activities.

9. Commercial riding stable, commercial dog kennel, and commercial raising of fur bearing animals.

10. Public service signs.

ARTICLE XII PLACEMENT OF MOBILE AND/OR MANUFACTURED HOMES ON INDIVIDUAL LOTS

Section 1200 Section 1200. Requirements.

A mobile home and/or manufactured home may be placed on an individual lot in AR districts only.

1. A mobile and/or manufactured home shall be placed or installed on an individual lot, which shall be for the exclusive use of the occupants of one mobile or manufactured home (one family), except persons of one family may place on additional mobile or manufactured home for occupancy of members of same family, as long as placement conforms to regulations as set forth in this Comprehensive Zoning Plan, of the Town of Erin. Such placement shall not exceed placement of more than one mobile or manufactured home per fifty thousand (50,000) square feet of lot. The Town of Erin may require proof of relationship.

2. An application for a permit, accompanied by a permit from the Chemung County Health Department, shall be submitted to the

authorized representative of the Town Board, with a sketch of the property showing property lines, placement of mobile or manufactured home, location of water supply, septic disposal, location of other buildings, and use of abutting property.

3. A mobile or manufactured home lot shall consist of not less than fifty thousand (50,000) square feet, with at least twenty-five (25) feet of highway frontage. Minimum distance of mobile or manufactured home shall be at least sixty-five (65) feet from the center of the highway. Minimum distance rear lot line shall be no less than thirty-five (35) feet. Minimum distance to side property line shall be a minimum of twenty (20) feet.

4. A mobile or manufactured home shall be placed on a mobile or manufactured home stand designed for the support of a mobile or manufactured home. Such support shall be suitably constructed footers or foundation with a means of securing the mobile or manufactured home against sliding, rotation or overturning at all four corners.

5. A mobile or manufactured home shall be skirted, utilizing approved, manufactured materials similar to that used for the construction of mobile or manufactured homes that provides a finished appearance. There shall be no exposed wallboard, building paper, straw or bales of hay or similar unfinished material used for skirting. No skirting shall be required when a perimeter foundation is utilized. Where skirting is necessary it shall be placed within thirty (30) days of issuance of certificate of occupancy.

6. Certificate of occupancy will not be issued until connections have been made for water, sewage, and electricity.

7. To promote rapid runoff of surface water, the surface area within ten (10) feet of the mobile or manufactured home must be graded to slope away from the mobile or manufactured home.

8. A mobile or manufactured home may be located on a construction project, if used for other than living quarters, by obtaining a permit from the Erin Town Board, which shall set forth the rules and regulations for which the permit is granted.

9. Applicant must be the owner of the property upon which the mobile or manufactured home is to be placed. EXCEPTION: If the applicant is not the owner of property, the application for the permit must be signed by both the owner of the mobile or manufactured home and the owner of the property.

10. A mobile or manufactured home must contain at least seven hundred and twenty (720) square feet as per manufacturer's advertised dimensions.

11. A permit must be obtained before any alterations, replacement, or change in outward dimensions of mobile or manufactured home may be made.

12. A mobile or manufactured home must bear the seal required by the State of New York to conform to New York State Building Code.

13. The Erin Town Board may issue a temporary permit for a mobile or manufactured home on an individual lot, and may waive such rules and regulations, or portion of such rules and regulations as the Erin Town Board may deem necessary when the mobile or manufactured home is to be used as an interim dwelling during construction of a permanent residence that has been destroyed or damaged by the elements or in other hardship situations. Such temporary permit shall be for a period not to exceed twelve (12) months and may be renewed by the Erin Town Board if the Board deems such renewal appropriate.

ARTICLE XIII MOBILE HOME AND MANUFACTURED HOME PARK

Section 1300 Definition

Mobile home and/or manufactured home park: A parcel of land under single ownership which is improved for the placement of mobile homes and/or manufactured homes for non-transient use and which is offered to the public of two (2) or more mobile and/or manufactured homes.

Section 1301 Requirements Amendment. Local Law 1-97

1. Mobile, and/or manufactured home parks require a ***Special Permit and a license*** by the Town Board, which applies to established as well as new mobile and or manufactured home parks. The license shall be ***renewed annually***. The annual license fee shall be set by the Town Board.
2. ***Health Permit.*** A permit must be obtained from the Chemung County Health Department covering approval of public water, sewage and refuse disposal systems and meet other health requirements before a license can be issued by the Town Board to operate a mobile and/or manufactured home park.
3. ***Site Location.*** The mobile and/or manufactured home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water, No portion of the park shall be subject to flooding, excessive settling or erosion, and drainage systems to be used if necessary.
4. ***Density and Lot Size.*** The maximum density of a mobile and/or manufactured home park shall be eight (8) lots per usable acre of area. In the park lots shall be a minimum of five thousand (5000) square feet in area with a minimum width of fifty (50) feet, minimum width of lot for a double-wide shall be sixty-five (65) feet.
5. ***Floor Area.*** A mobile and/or manufactured home shall contain at least seven hundred and twenty (720) square feet of enclosed living area.
6. ***Spacing.*** There shall be at least twenty (20) feet of open space between adjacent mobile and/or manufactured home stands. Stands shall be at least twenty-five (25) feet from any park boundary, and at least fifteen (15) feet from a park road paved area.
7. ***Mobile and/or Manufactured Home Stand.*** Each stand must be capable of supporting a mobile and/or manufactured home in a stable

position, and shall be properly site graded. The stand shall be constructed of either impenetrable material at least six (6) inches in thickness, or surfaced with a layer of uniform size crushed stone to a depth of nine (9) inches in lieu of paving a concrete patio of at least one hundred and eighty (180) square feet shall be included with each stand.

8. **Utilities.** The Town Board may require utility lines to be placed underground in which case they must be at least eighteen (18) inches below ground surface and at least one (1) foot from water, sewer or gas lines.

9. **Park Drives.** Park drives shall be privately owned, constructed, and maintained. Drives shall be paved to a width of at least eighteen (18) feet for one-way traffic and twenty-six (26) feet for two-way traffic. Drives shall include curbing and gutters and shall be constructed to Town Highway Superintendent. If collector streets are required due to park size they shall be constructed to Town Highway Superintendent's specifications. Street and block layouts shall generally meet subdivisions, length of dead end streets, etc. If Street names are used they must be approved by the Town Board for address purposes.

10. **Commercial Sale of Mobile and/or Manufactured Homes.** A mobile and/or manufactured home park shall be established for the purpose of permitting habitation of such mobile and/or manufactured homes. No sales lot or area shall be used for the purpose of selling mobile and/or manufactured homes.

11. **Illumination.** Illumination shall be furnished with lighting fixtures so spaced and equipped to provide for safe movement of vehicles and pedestrians.

12. **Walkways.** Each home stand shall be provided with a walkway leading to a street or driveway. A common walkway maybe required by the Town Board.

13. **Off-Street Parking.** Off-street parking shall be provided for occupants and guests at the rate of two (2) spaces per mobile and/or manufactured home lot, including street parking. Minimum area: one hundred eighty (180) square feet per parking space. No space shall be further than two hundred (200) feet from the mobile and/or manufactured home lot space.

14. **Construction Code.** A mobile and/or manufactured home shall meet the requirements of the State of New York Building Code. Each mobile and/or manufactured home shall be provided with complete skirting within thirty (30) days.

15. **Recreation Space.** Each block of mobile and/or manufactured homes shall include an interior recreation area accessible to all lots in the block, containing at least one hundred (100) square feet of usable area per mobile and/or manufactured home space, developed with play lot equipment suitable for preschool children or a passive area for adults if children are not permitted in the park. In addition, mobile

and/or manufactured home parks of one hundred (100) lots or spaces, to be improved with such recreation facilities as ball fields, swimming pool, shelter, picnic area, etc. The existence of community facilities may be considered by the Town Board in waiving this requirement.

16. **Screening.** A mobile and/or manufactured home park boundary shall be provided with a buffer screen separating the park from adjoining land uses when so required by the Town Board. Such screen to consist of a landscaped yard area of at least twenty (20) feet in width, including opaque fencing at least six (6) feet in height and density equal to an opaque fence, as may be specified by the Town Board.

17. **Park Maintenance.** The owner or operator of a mobile and/or manufactured home park shall be responsible for proper maintenance of the park, including keeping grounds, buildings and structures free of insects, vermin, rodents and the control of brush and weeds, keeping the grounds free of litter, rubbish and all flammable materials. Covered storage areas may be required if control of yard areas becomes a problem.

18. **Improvement Schedule.** Each park shall be divided into improvement sections of at least ten (10) lots of spaces, and no section shall be open for occupancy until all street, stands and utility services have been completed. Screening may also be required by the Town Board before occupancy if they deem it necessary.

19. **Building Permits.** Before replacing of Mobile or Manufactured Homes, or placement of new Mobile or Manufactured Home in a Mobile Home Park, the operator or owner shall apply for and receive a building permit to cover the replacement or installation of a mobile or manufactured home, A \$25.00 fee shall be paid to cover the cost of administrating said building permit.

ARTICLE XIV THE ESTABLISHMENT AND OPERATION OF A JUNK YARD.

Due to the detrimental effects it may have on the surrounding area, the establishment and operation of a junkyard shall be subject to the following rules and regulations, which are hereby established.

Section 1400 Rules and Regulations.

1. **Requirement for the Establishment and Operation.** No person shall establish, maintain or operate a junk yard until such person has:

- (1) Obtained a certificate of approval for the location of such junk yard.
- (2) Has obtained a conditional permit from the Town Board.
- (3) Obtained a New York State license to operate a junk yard business. Approved location will be in AR district only.

2. *Application for a Conditional Permit and Certificate of Location Approval*

Application for a conditional permit and certificate of location approval shall be made to the Town Board on the prescribed forms. Such applications shall be referred to the Planning Board within thirty (30) days of receipt thereof. The Planning Board is required to make an investigation regarding the effect of such junk yard on the environment and surrounding area, the application of applicable regulations of SEQRA. Preservation of natural resources whether the proposed junk yard would have a detrimental effect upon the community as a whole, whether it would constitute a health hazard or affect the safety of town residents. The application shall contain a description of the junk yard and surrounding area and shall be accompanied by a plot plan drawn to scale showing land use by abutting property owners within two hundred (200) feet of property lines of applicant.

3. ***Hearing.*** A public hearing on the application shall be held by the Town Board, not less than thirty (30) nor more than ninety (90) days after the receipt of the application by the Town Board. Notice of such public hearing shall be published once in a newspaper designated as the official newspaper by the Town Board. Such publication shall be at least ten (10) days prior to date of such hearing.

4. ***Permit Requirements.*** At the time and place set for the public hearing the Town Board shall hear the applicant and all interested persons wishing to be heard on the issuance of such conditional permit.

5. ***Grant or Denial of Application.*** In considering such application the Town Board shall take into consideration the suitability of the applicant with reference to applicant's ability to comply with the fencing requirements and other reasonable requirements which pertain to this Local Law. Within thirty (30) days of the public

hearing the Town Board shall render a decision either granting or denying the issuance of a certificate of approval of location and conditional permit to establish and operate a junk yard and notify the applicant by U.S. mail to the address given on the application. If application is approved the Town Board shall grant a conditional permit, which shall be renewable on a yearly basis providing all provisions of said condition permit are in compliance during the permit period and that the junk yard has not become a public nuisance under common law and the operator is in possession of a valid New York license to own and operate a junk yard.

6. ***Permit Fees.*** The annual permit fee shall be set by the Town Board and shall be paid at time of application and annually thereafter in event of renewal. The cost of advertising necessary public hearings and other related costs incident to the granting of the permit, may make the issuance of said permit conditional upon payment of the same, and all other provisions as set forth in this conditional permit section.

7. **Fencing.** Before use a junkyard shall be completely surrounded with a fence at least eight (8) feet in height or with conifer or evergreen trees properly spaced, of at least the same height, which substantially screens the junkyard. A suitable gate shall be installed which shall be kept closed and locked, except during working hours of such junkyard or when the operator or his agent shall be within. Such fence shall be not less than fifty (50) feet from any public highway. All motor vehicles and parts thereof stored or deposited by the operator shall be kept within the enclosure of the junk yard except as such removal as may be necessary for transportation of the same in the reasonable course of business. All wrecking or other work on such vehicles and parts or other work necessary to the operation shall be accomplished within the enclosure. Where the topography or natural growth of trees or other considerations accomplish the purpose of fencing requirements as above stated in whole or in part, such fencing requirements may be reduced by the Town Board, provided however that such natural barriers conform to the screening purposes of this Local Law.

8. **Established Junk Yards.** For the purpose of this Local Law the location of junk yards previously established shall be considered approved of junk yards previously established shall be considered approved by the Town Board if such junk yard is legally located and is approved by the Town Board if such junk yard is legally located and is not in violation of any local ordinance, rule or regulation, or any other law or statutes applicable to the regulation of automobile junk yards, and the owner thereof deemed suitable for the issuance of a permit If such owner has a current permit issued by the Town Board under any existing ordinance enacted prior to the effective date of this Local Law, the same shall remain in full force and effect until the expiration date of such permit. The owner may apply for renewal as herein provided. Such owner shall comply with all other provisions of this Local Law, including fencing requirements as set forth in Section 48, Notwithstanding any of the foregoing provisions of this Local Law, no junkyard hereafter established, shall be permitted to operate within five hundred (500) feet of a church, school, hospital, public building or place of public assembly.

9. **Penalties.** Any person, firm, corporation, or others violating the provisions of this Local Law shall be subject to all the penalties as set forth in this Local Law by the Town Board.

ARTICLE XV PRIVATE MEMBERSHIP CLUBS

Section 1500 Regulations.

At least one (I) off-street parking space shall be provided for each ten (10) members of the club. Off-street parking shall be screened from abutting residential properties with a fence or landscaping adequate to prevent headlights

of cars from shining on neighboring properties, and adequate to reduce the sound of automobiles as heard from neighboring properties. Such club shall be located on a site of at least fifty thousand (50,000) square feet in area. No outdoor sound system shall be allowed, and any noise emanating from within any structure of the club by a sound system or any other source shall not carry beyond any property line. All outdoor lighting shall be designed so that the source of light is directed away from any abutting property.

ARTICLE XVI VETERINARY HOSPITAL

Section 1600 Regulations.

A veterinary hospital shall be located not less than five hundred (500) feet from any side or rear property lines unless animals are housed in completely enclosed and soundproof buildings, with no objectionable odor emission.

ARTICLE XVII SUPPLEMENTARY DISTRICT REGULATIONS

Section 1700 Visibility at Intersections.

On a corner lot in any residential district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially interfere with the vision between a height of two-and-a-half (2.5) feet and ten (10) feet above the center line of grades at the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said streets sixty (60) feet from the point of intersection.

Section 1701 Protecting Architectural Features.

The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt course, cornices, eaves and other architectural features, provided such features shall not project more than three (3) feet high into any required yard.

Section 1702 Terraces, Porches, and Steps.

A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other form of enclosure exceeding six (6) feet in height. Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed (6) feet,

Section 1703 Fire Escapes.

An open fire escape may extend into any required yard not more than four (4) feet provided such fire escape shall not be closer than four (4) feet any point, to a lot line.

Section 1704 Walls and Fences.

The yard requirements of this Local Law shall not prohibit any necessary

retaining wall or prohibit any fence or wall, providing that in a residence district no fence or wall shall exceed six (6) feet in height in any front or side yard, and further provided that such wall or fence shall be no closer to any front lot line than its height.

Section 1705 Front Yard Exceptions.

In residence districts where the average front yard for building(s) existing immediately adjacent to a lot exceeds the minimum specifies, a front yard shall be provided on the lot equal to this greater average depth, but need not exceed fifty (50) feet. Where such average front yard is less than the minimum specified, the building may be erected or built to this lesser depth, but shall not be less than twenty-five (25) feet from the centerline of the street or highway. An adjacent vacant lot shall be considered as having the minimum front yard as required in the district, for the purpose or computing such average front yard.

Section 1706 Transition Yard Requirements.

Where two districts abut on a street line, there shall be provided for a distance of fifty (50) feet from the district boundary line into the less restricted district a front yard equal in depth to the average or rear yard of a lot abuts a side or rear yard of a lot in a more restricted district, there shall be provided along such abutting line or line a side and/or rear yard equal in depth to that required in the more restricted district.

Section 1707 Auto and Commercial Vehicle Parking.

Adequate off-street parking space shall be required for all uses. One parking space consists of at least one hundred and eighty (180) square feet. In addition, space necessary for aisles, maneuvering and drives shall be provided.

Section 1708 Floor Area.

No dwelling shall be erected or altered so as to provide for less than seven hundred and twenty (720) square feet of enclosed ground floor living area. For the purpose of this Local Law, mobile homes or automobile house trailers, whether on wheels or jacked off the ground, shall be considered a dwelling. No tent may be used for residence except on permit of Town Board.

ARTICLE XVIII PARKING REQUIREMENTS FOR SPECIFIC USES

Section 1800 Uses and Requirements.

Parking requirements for the following uses are hereby established.

| Use | Off-Street Parking Requirements |
|---|---|
| Dwelling | 1 space For each dwelling unit |
| Rooming house, tourist home, motel, hotel | 1 space For each guest room |
| Professional office or home occupation | 4 spaces For each separate home occupation or professional office. |
| Church | 1 space For every five pews |
| Auditorium, stadium, theater, restaurant, club | 1 space For each 3 seats |
| Hospital | 1.5 spaces For each bed |
| Convalescent home or sanitarium | 1 space For each bed |
| Retail store, bank or business office | 1 space For each 300 gross square feet of floor area |
| Bowling ally | 5 spaces For each lane |
| Wholesale, storage or utility use or other use not customarily visited by the public | 1 space For each 1,000 square feet of floor area. |
| Funeral home | 1 space For each 50 square feet of floor area used for funeral services. |

For uses not specified above the Town Board shall, on appeal, establish parking requirements in specific cases not inconsistent with the above.

Section 1801 Buildings and Maintenance.

This section shall apply to one and two family dwellings, to their accessory structures, and to parts thereof and to buildings containing mixed occupancies, in which the residential portion does not exceed two dwelling units, hereafter erected.

1. Waterproofing - Foundation walls of cellars and basements, and floors in contact with the soil, shall be constructed or treated so as to prevent the penetration of ground and surface water.
2. Exterior stairs, porches, entrances, platforms, fire escapes and the railings thereon shall be maintained in safe and sound condition.
3. Exterior doors, windows, skylights and similar openings shall be maintained weather tight.

Section 1802 Responsibility of Owner. Operator. Agent.

1. The owner, operator or agent in control of the building shall be responsible for the following.
 - A. Maintenance of the building in a clean, safe, sanitary condition.
 - B. Stairways, which serve as a required exit from any story shall be so arranged and of such size, construction and materials that they provide safe ascent and descent. They shall terminate in a legal open space.
 - B. Disposing of garbage refuse, and junk in a safe and sanitary manner and keeping the premises free and clear there from, and broom clean.

Section 1803 Responsibility of occupants

1. Responsibility, with respect to that part of a building which the occupant controls or uses. The occupant shall be responsible for the following;
 - A. Disposing of garbage refuse, and junk in a safe and sanitary manner and keeping the premises free and clear there from, and broom clean.

Section 1804 A building which is of imminent danger to life and safety as a result of structural instability, fire, explosion or other hazardous situation shall be made safe and secure or demolished and removed by the owner thereof.

1. The occupant of such building or structure shall vacate the premises forthwith. No person shall use or occupy such building or structure until it is deemed safe by the code Enforcement Official.
2. Except for the owner, no person shall enter premises which have been ordered vacated unless authorized to perform inspection, repairs, or to demolish and remove such building or structure.

Section 1805 Chimneys. Flues. and gas vents.

1. Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained in accordance with generally accepted standards so as not to create fire hazard.
2. Masonry chimneys which are cracked and which permit smoke or gases to be discharged into the building shall be made safe in accordance with generally accepted standards.
3. If a fire should occur in any chimney, smokestack, flue, gas vent,

smoke pipe or connection, then that item shall be inspected for damage by the Code Enforcement Officer before any further use.

ARTICLE XIX MISCELLANEOUS

Section 1900 Severability.

If any section, subsection, phrase, or word of this Local Law is declared to be invalid, such invalidity shall not affect any other portion of the Local Law.

Section 1901 Effective Date.

This Local Law shall be in effect upon its passage and publication as required by law.

CERTIFICATION OF TOWN CLERK

I, S. Bonci , certify that the foregoing is a true and correct copy of Local Law Zoning Law, as adopted by the Town Board of the Town of Erin on the day of

Town Clerk