

Appendix 31-1:

Dwelling and Structure Law of the Town of Conquest (2000)

**TOWN OF CONQUEST**

**LOCAL LAW NO. 2**

**OF THE YEAR 2000**

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## ARTICLE 1

### Sec. 1 Dwelling and Structure Law of the Town of Conquest

This local law shall be known as the dwelling and structure law, Town of Conquest.

### Sec. 2 Purpose

This law establishes minimum standards for the development of residential dwelling units and structures, suitable to insure and protect the public health, safety and welfare of the Town of Conquest.

## ARTICLE II

### DEFINITIONS

The following terms shall have the following meanings where used in this local law, to wit.

### Sec. 1 Dwelling Unit

One or more rooms located within a building and providing or designed to provide a complete year-round living accommodation for family, including cooking and bathroom facilities.

### Sec. 2 Single Family Dwelling

A detached building containing one dwelling unit. For the purposes of this local law, modular, sectional, factory manufactured and mobile homes shall be considered to be single family dwellings when designed and used for single family occupancy.

### Sec. 3 Multiple Family Dwelling

A building containing two or more attached dwelling units.

### Sec. 4 Land Area

When used referring to the minimum required lot area, means the area exclusive of streets and right-of-way.

### Sec. 5 Building Area

The total geometric area of a horizontal plane which would cover all roofed areas of the principle and all necessary buildings, and exclusive of uncovered porches, terraces, patios, decks and steps.

Sec. 6           Principal Building

A building containing the dwelling units.

Sec. 7           Accessory Building

Any building detached from and which use is incidental to the principal building, while located on the same lot. No factory-manufactured structure which was originally intended for use as a dwelling shall be allowed or considered to be an accessory building, nor shall any such structure not used as a dwelling be kept on any lot in the Town of conquest except for the purpose of disposal or sale, such exception not to exceed one hundred eighty (180) days in duration, unless approved by the Code Enforcement Officer.

Sec. 8           Front Building Line

A line parallel to a street line, drawn between both side lot lines and at the same distance as the surface of a dwelling closest to the road. In the case of a corner lot, the building surface closest to the street line shall be considered the front building line.

Sec. 9           Driveway

A paved or graveled way leading from a garage, dwelling or other use to the street and intended to be used for motor vehicles.

Sec. 10          Building Floor Area

The sum of the gross horizontal areas of the several floors of a building, including the area of basements, roofed porches and terraces. All the dimensions shall be measured between exterior faces of the walls.

Sec.11          Finished Grade

The completed surfaces of lawns, walks, driveways, and roads brought to elevations as shown on approved site plans. When referring to grading or slope this local law is referring to required standards for grade.

Sec. 12          Lot

A separate and distinct parcel of land.

Sec. 13            Manufactured Homes

A dwelling unit manufactured off-site, usually at a factory, and transported in sections to the site of erection, where it is intended to be mounted permanently upon a foundation, whether by itself or incorporated with similar units into a multiple family dwelling.

Sec. 14            Abandoned Manufactured Homes

A structure, transportable in one or more sections, built on a permanent chases and designed to be used as a dwelling unit, which is currently not inhabited and is no longer habitable under the New York Fire Prevention and Building Code.

Sec. 15            Park Model Trailer

A vehicle or portable structure, designed as a temporary dwelling for recreation, vacation and other short term uses. Designed for recreation and parks and which may or may not have sanitary facilities.

Sec. 16            Mobile Home Park

A parcel or adjoining parcels of land owned by the same party designed and improved for the placement of two or more mobile homes for non-transient use, having a minimum area per dwelling unit less than allowed by this law for single family dwellings, whether owned by the parcel owner or not, and developed for such purpose.

Sec. 17            Camp Ground

Two (2) or more motor homes, travel trailers, camps or seasonal structures than can be occupied between April and October 15, whether for gain or not.

Sec. 18            Occupancy

The use of a building or structure or premise.

Sec. 19            Parking Space

An off-street paved or graveled space not including driveways and turning areas.

Sec. 20            Storage, Open

The keeping of tangible personal property on land outside of buildings.

Sec. 21            Street



Any road dedicated to public travel and greater than twenty (20) feet in width from edge to edge of the right-of-way.

Sec. 22 Street Line

The right-of-way line nearest to the lot or contained therein, as indicated by dedications, deed, record, or use.

Sec. 23 Structures

Any other constructed formation or building of any kind.

Sec. 24 Variance

Written authorization from a town agency having jurisdiction, granting permission to deviate from any of the standards required by this law.

Sec. 25 Yard Line (Minimum Setback)

An imaginary line parallel to a lot line which in conjunction with such lot line establishes an area between them within which no structure or building may be placed.

Sec. 26 Enforcement Officer

The person designated and appointed as such by the Conquest Town Board

Sec. 27 Construction Materials

Unless otherwise specified, all materials shall meet all requirements of the New York State Uniform Fire Prevention Code current at the time of the application for a building permit.

ARTICLE III  
MINIMUM DENSITY REQUIREMENTS

Sec. 28 Minimum Lot Size

- a. Single Family: No single family unit shall be constructed or placed upon any lot in the Town of Conquest smaller than one (1) acre in size and having a lot width of less than one hundred fifty (150) feet.

- b. Multiple Family: No multiple family dwelling shall be constructed or placed upon any lot in the Town of Conquest smaller than the total of two (2) acres for the first unit, and 25,000 square feet for each additional unit thereafter, and having a lot width of less than two hundred (200) feet.
- c. Subdividing: No parcel of land existing at the time of the adoption of this local law shall henceforth be subdivided in any manner which would result in the creation of, or residential use of a lot containing one or more dwellings with less than the minimum areas described in the subsections a. or b. of this Section.

Sec. 29           Setbacks

The following setbacks shall apply to all structures, including residential units and their attendant accessory buildings.

Front Setback:           No less than seventy five (75) feet from the center line of any roadway to the front building line.

Side Setback:            No less than twenty five (25) feet from either side lot line to the dwelling.

Rear Setback:            No less than twenty five (25) feet from the rear lot line to the dwelling.

Building/Structure

Separation:            No less than ten (10) feet.

Sec. 30           Density per Lot

A maximum density ratio of 40% between the total building area shall be allowed in the development of dwellings, accessory and other structures. Such ratio shall be determined by dividing the total building area by the lot area. Garages, barns, and other buildings, accessory or otherwise, are allowed up to the 40% maximum.

Sec. 31           Existing Sub-Standard Lots

Where a building already exists on a lot upon which these required setbacks cannot be met, due to the lot being too narrow or not sufficient in depth, accessory structures may be added so long as they do not infringe on setback lines further than the existing dwelling, they do not exceed the maximum density requirements, and the existing dwelling separations are maintained.

Sec. 32           Minimum Building Floor Area

No dwelling unit shall hereafter be constructed or placed in the Town of Conquest with a building floor area less than 840 square feet.

Sec. 33 Existing Dwellings

Dwellings existing prior to or under construction at the time of adoption of this local law are exempt from all of its requirements except those identified specifically hereafter: Dwellings legally in existence at the time of adoption of this local law may be continued and may be replaced in kind, or may be added to or modified in compliance with the provisions of this local law and the New York State Uniform Fire Prevention and Building Code, so long as no further infringement of any requirements of this law are created by such addition or modification. Owners of dwellings without basements, cellars or enclosed crawl spaces of masonry or concrete are referred to Article V for further special requirements.

ARTICLE IV  
DEVELOPMENT STANDARDS  
SITE DEVELOPMENT

Sec. 34 Grade

All dwellings and accessory structures shall be located in a manner such that surface runoff is directed away from such structures. In cases where a basement, cellar or crawl space, the ground surface shall be sloped away from the building to prevent collection and/or pooling of such fluids under the exposed portion of such structure. This shall include the diversion of such fluids where necessary by means of drainage swales or curtain walls in the case of sloping sites.

Sec. 35 Driveway

All dwelling units shall be accessible from a street by means of a driveway.

Sec. 36 General

The following are additional minimum requirements for the placement of manufactured homes capable of placement above ground leaving an unenclosed space between the ground and the bottom of the dwelling, and/or being placed without a fully enclosed basement, cellar or crawl space.

Sec. 27 Age of Mobile or Manufactured Home

No dwelling constructed or manufactured ten (10) years or more prior to the date of application under this local law shall be placed or located on any property in

the town, and meets all requirements of the New York State Uniform Fire Prevention and Building Code, Certificate of Occupancy and HUD Requirements.

Sec. 38            Storage Building

An accessory structure for the purpose of storing personal property. The building shall be placed no closer than ten (10) feet to the dwelling and shall meet all setback requirements.

Sec. 39            Foundation

All mobile homes must be placed on a six inch thick reinforced concrete slab a minimum of one foot wider and one foot longer than the mobile home.

Sec. 40            Skirting

Skirting shall be required where an open space exists between the ground and the dwelling understructure. The skirting shall consist of fire resistive, non-flammable prefinished metal, wood, or concrete masonry unit. At least one access panel shall be installed in the skirting.

Sec. 41            Replacement of Existing Dwellings

Replacement of existing dwellings in this subcategory of dwellings shall conform in all respects to requirements of this local law. Refer to ARTICLE VIII NONCONFORMITY.

Sec. 42            Mobile Home Parks

A.        Permit Required

1.        No mobile home park shall be developed or operated in the Town of Conquest without a permit issued by the Town Board. Permits for the establishment and operation of mobile home parks shall be limited to two (2) years in duration and must be reviewed when expired.

B.        Permit Procedure

1.        Application for development of a mobile home park shall be made to the Code Enforcement Officer. Applicant will furnish at least five (5) copies of the site plan when applying for the permit.

2.        A meeting of the Town Planning Board with the Enforcement Officer and applicant in attendance shall be held not more than forty-five (45) days after receipt of the application, for the purpose of site plan review. The

applicant shall furnish at least three (3) copies of the site plan, drawn to scale and containing all information necessary to satisfy the requirements of this Sec. 42 including, but not limited to: parcel boundaries and dimensions, surrounding ownership, public and private streets, lot layout, utilities, structures, lighting, landscaping (including trees to be removed), and recreation, parking, storage and sales areas. The Planning Board shall review such site plan and shall not make recommendation to the Town Board for issuance of the permit until it is satisfied that all requirements of this Sec. 42 are met. Such recommendation, including the Planning Boards findings, shall be made in writing. The Planning board may require the applicant to modify such site plan and return for further review until this condition has been met. The Planning Board may conduct as many meetings as it deems necessary in order to fully understand the dimensions and plan of the mobile home park. Once the Planning Board is satisfied that the plans conform with the regulations set forth in the Dwelling Law, then the chairman of the Planning Board shall refer the same to the Town Board for review and action, by forwarding all documents to the Town Supervisor, along with a written recommendation from the Town Planning Board.

3. If, in judgement of the Town Board, the granting of a variance could have a significant environmental impact, the variance shall not be granted or approved prior to the completion of an environmental assessment under the State Environmental Quality Review Act (SEQR). Such assessment and resulting declaration of impact shall be guided by the provisions of Part 617 of the regulations of the New York State Department of Environmental Conservation or any local law enacted pursuant thereto.

4. Public Hearing and Issuance of Permit – Not less than thirty (30) days from receipt of a written recommendation from the Planning Board, the Town Board shall hold a public hearing to consider granting a permit for the development of the mobile home park, findings and recommendations of the Planning Board shall be read aloud during the hearing, after which public commentary on the application shall be sought. Following the hearing, the Town Board shall make a determination to request further information and/or further modification of the site plan, to deny granting the permit for good cause shown, or to direct the Enforcement Officer to issue the permit. such determination, including the Town Board’s written findings, shall be sent to the applicant within five (5) days by registered mail.

5. Review of Phased Developments – The applicant may, at his discretion, opt to develop a mobile home park in phases, each phase to be treated as a separate site plan review in the permit procedure. Prior to the review of any development phase, a sketch plan showing development of all proposed phases, including property boundaries and dimensions, lot lines, required setbacks, private and public roads, and areas for parking, storage, recreation and sales shall be

reviewed and approved by the Planning Board and the Town Board in the same manner as the site plan review.

6. Subsequent Reviews – Subsequent reviews for permit renewal shall not require site plan review except in instances where an expansion or modification of the park is proposed, or in instances where the Planning Board determines that such plan review is necessary to resolve any aspect not in conformance with this local law.

### C. General Provisions of Mobile Home Parks

1. The minimum site area for any proposed mobile home parks shall not be less than twenty-five (25) acres, with frontage of at least two hundred (200) feet on a public road.

2. Mobile home lots for mobile homes sixteen (16) feet or less in width shall have an area of not less than fifty-five hundred (5500) square feet, and lots for mobile homes greater than sixteen (16) feet in width shall have areas not less than sixty-five hundred (6500) square feet. Each mobile home lot shall front on an interior park roadway and have a minimum width of fifty (50) feet.

3. Minimum front setbacks for mobile homes shall be twenty-four (24) feet from the boundary of an interior park roadway; minimum rear setback shall be ten (10) feet but in no instance shall any two units be closer than thirty-five (35) feet from each other.

4. The minimum setbacks of every mobile home, building or other structure in a mobile home park from the nearest public street line shall be seventy-five (75) feet, and from every other major (exterior) lot line of the mobile home park shall be fifty (50) feet. Plans for the landscaping of these buffer areas in order to minimize intrusion upon surrounding property shall be included on the required site plan.

5. Not more than one (1) mobile home shall be located on a mobile home lot or in a designated storage area on the approved site plan for such park.

6. At least one (1) service building shall be constructed in each mobile home park which shall be adequate to provide for storage of all equipment, tools and materials necessary for the maintenance of the park, and all such equipment, tools and materials shall be stored within such building when they are not in use.

7. Each mobile home lot shall have a foundation complying with Section 44 of this local law, and not less than two (2) off-street parking spaces, measuring not less than twelve (12) feet and twenty-four (24) feet each.

8. No boats, campers, travel trailers, recreation vehicles, or unregistered or unlicensed motor vehicles shall be parked or stored for more than seven (7) days at any place within the mobile home park, except in areas designated and approved for such storage as part of the site development plan review process.

9. Every roadway within a mobile home park shall be paved, over a suitable base, have a minimum paved width of twenty-two (22) feet, and a minimum right-of-way of thirty (30) feet. If cul-de-sacs are to be employed, they shall have a minimum pavement diameter of seventy (70) feet, and a minimum diameter of seventy-five (75) feet. Oil and stone surface shall be considered a paved surface for the purpose of this subsection.

10. A complete water distribution system, including a water service pipe for each mobile home lot, approved by the New York State Health Department, Department of Environmental Conservation or other appropriate agency charged by law with regulation of such system at the time of application, shall be installed. Permits for such system shall be acquired subsequent to site plan approval by the Planning Board, and prior to the issuance of a permit by the Town Board under this law.

11. A sanitary sewerage disposal system, including a connection for each mobile home lot, approved by the New York State Health Department, Department of Environmental conservation, Cayuga County Health Department, charged by law with regulation of such system at the time of application, shall be installed.

12. A storm drainage system adequate to safely carry runoff for a 10-year period shall be included in the site plan proposal design by a competent professional, including individuals employed by a soil conservation district, is acceptable.

13. All public utility, electric, gas, cable television and telephone lines shall be installed underground and in compliance with the New York State Uniform Fire Prevention and Building Code and the national Electrical Code.

14. Appropriate street lighting shall be installed on all park roadways with the minimum number of lights required being one (1) at each intersection or interior roadways with each other, with abutting roads, and at least one (1) every two hundred (200) feet apart along such interior roadways, lighting shall be sufficient to identify from the roadway, house numbers located at the front of each mobile home.

15. The site plan shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic sites, vistas and similar irreplaceable assets.

16. No mobile home shall be located on a mobile home lot until all foregoing requirements of this section 42 have been fulfilled in accordance with the approved site plan for the mobile home park. The park may be developed in phases as deemed reasonable and approved by the Town Board, but in no instance shall any development phase be approved for permit prior to review and approval of an overall sketch plan, the Town Board may require update and resubmission of such overall sketch plan prior to reviewing any future phases.

17. Each roadway shall be named upon the site plan and permanently posted upon clearly visible signs at each intersection when constructed. Roadways with names the same or substantially similar to names of roads already in use in the Town of Conquest, Cayuga County or other neighboring towns shall not be allowed in a permit approval and the development and Planning Board shall check each name against current street directories for these areas to insure against duplication. Each mobile home lot shall be assigned a permanent number under the County-Wide House Numbering System, and such number shall be prominently displayed on the front (that side facing the roadway) of each mobile home.

18. Every mobile home park shall have an open space reserved for recreational use by the occupants of the mobile home park. The total area reserved for these purposes shall be at least one (1) acre for each one hundred (100) or fewer units.

19. The park owner shall make provisions for the weekly (minimum) collection and disposal of garbage, trash and rubbish. Provision shall also be made for the orderly collection of recyclables according to procedures established by the Conquest Town Board.

20. No More than one (1) accessory building, not to exceed one (1) story in height and limited to the storage of personal property, shall be permitted on any single mobile home lot, such building shall be located to the rear of the mobile home, and shall be set so as to comply with all required setbacks.

21. Each mobile home shall be enclosed at the bottom with an approved skirting material (see section 40) within thirty (30) days after placement of the mobile home on the lot.

22. The addition of open sided carports over previously developed parking areas is allowed. Such carport must be constructed of wood or metal



frame and must be portable as a unit or in sections. After obtaining written permission from the park owner to erect such a structure, a building permit must be obtained by the tenant from the Enforcement Officer prior to construction of any such carport, and the application must therefore show a detailed plan of the proposed construction, in compliance with the New York State Uniform Fire Prevention and Building Code. Any such structure must be completed within two (2) months of the date of issuance of such permit, or entirely removed from the park. Such structure shall be removed by the tenant when the mobile home is removed from the park.

23. No mobile home shall be offered for sale, displayed for sale, or sold within a mobile home park unless such mobile home is located on a previously approved sales area; or on a mobile home lot and connected to a public utility electric supply, and to approved sewer and water systems.

24. Every roadway within a mobile home park shall be maintained in good repair and shall be open at all times, within reason, for travel by occupants of the park, necessary fire, police, public utility maintenance and fuel supply vehicles. The park owner shall be responsible for providing and paying the cost of such maintenance and all snow removal.

25. Every mobile home park shall have an on-site office or a resident manager, and shall provide service during regular business hours. The owner shall also provide a method for tenants to contact responsible parties for maintenance.

26. Provisions shall be made for fire protection including not less than a water source of at least 10,000 gallons with a six (6) inch stand pipe with fire hose connection for each ten (10) mobile homes.

#### D. Revocation of Permit

1. The Town Board or Enforcement Officer shall have the authority to enter and inspect any mobile home park for which a permit is required, at any reasonable time and without notice, and inspect for health, sanitary and other provisions of this law.

2. If, upon inspection, it is found that the permittee has violated any provision of this law, the Enforcement Officer shall issue written notification to the park owner of such violation or violations, also specifying required remedial actions to be completed within thirty (30) days of such notice. If, in the opinion of the Enforcement Officer, such violations are of such nature as to pose an immediate and serious threat to the public health or safety, such thirty (30) day period may be reduced to as little as seven (7) days.

3. If, following expiration of such grace period, the violations have not been satisfactorily corrected, the Enforcement Officer shall cause the Town Board to convene as soon as possible to hear the issue, after which the Town Board shall have the power to suspend such park permit and to order the mobile home park closed.

## ARTICLE VI

### PERMIT REQUIRED

#### Sec. 43 Permit Necessary

No dwelling or structure shall be placed or constructed upon any property in the Town of Conquest prior to obtaining a permit to do so from the Enforcement Officer.

#### Sec. 44 Effect

The issuance of a permit shall in no case be construed as waiving any provision of this law or the New York State Fire Prevention and Building Code. Further, issuance of a permit does not constitute any representation, with applicable federal, state, or local laws, ordinances, rules or regulations, or is functional or safe to use to enter.

#### Sec. 45 Term

A permit issued under this local law shall be void one (1) year from the date of issuance; however, the permit may be renewed for an additional one (1) year upon application thereof without the payment of an additional fee.

#### Sec. 46 Application Procedures, etc.

Application procedures for permits; forms, fees and requirements shall be promulgated by the Town Board.

## ARTICLE VII

### SPECIAL CONDITIONS AND SPECIAL PERMITS

#### Sec. 47 Intent

The intent of this section is to set the supplemental regulations, procedures and conditions which shall apply to certain land use activities in the Town of Conquest which are incongruous or sufficiently different in terms of their nature,

location, and potential terms of their nature, location and potential effect on the surrounding environment and the quality of the community, and which warrant special evaluation of each individual case.

Sec. 48            Applicability

No permit shall be issued by the Enforcement Officer for any land use or activity listed in Sec. 49 having special conditions applicable or requiring special permit until the Enforcement Officer is satisfied that the applicable regulations set forth in this ARTICLE VII have been complied with.

Sec. 49            Special Conditions

The Enforcement Officer shall issue a permit for the following uses only when satisfied that applicable special conditions, as set forth in this Sec. 49 have been complied with, in addition to all other requirements of this law.

A.     Two (2) family dwelling provided that the lot area per family shall be not less than the minimum lot required by the town law.

B.     Conversions. One (1) family dwellings converted for occupancy by not more than two (2) families, subject to the following conditions:

1.     The lot area per family should not be reduced thereby to less than that required by the town law.

C.     Town houses, condominiums developments, and multiple family dwellings on a separate lot, limited to not more than twelve (12) units, and subject to the following additional provisions.

1.     Density. The overall density of occupancy in any permitted multiple family dwelling development shall not exceed twelve (12) dwelling units for each lot area.

2.     Lot Area. Any parcel of land development under the terms of this section shall contain a total minimum lot area of two (2) acres with a width of not less than two hundred (200) feet at the buildings setback line and street line.

3.     Total Living Area. A maximum of 141 square feet of floor area shall be permitted for each square foot of land area.

4.     Open Space

(a) At least 5.5 square feet of lot area per one (1) square foot of floor area shall be open space.

(b) Open space is the total horizontal area of all uncovered open space. Covered open space is exterior space that is open on its sides and the sky and weather, such as roofed porches, roofed carports and covered balconies.

5. Recreation Space

(a) At least .21 square feet of lot area per one (1) square foot of floor area shall be recreation space.

(b) All recreation space counted shall be at least twenty (20) feet away from any residential wall containing a window on the ground floor, and shall have at least one hundred (100) feet for each dimension, except that an area of lesser dimension is permissible if the total required recreation space is less than ten thousand (10,000) square feet.

D. Churches, provided that the minimum size shall be three (3) acres.

E. Religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private gainful business, subject to the following provisions:

1. Minimum lot size shall be three (3) acres.

2. Maximum height shall be thirty five (35) feet.

3. Completely detached buildings on the same lot shall not be less than thirty (30) feet from one another.

F. Unattached accessory structures including but not limited to non-commercial greenhouse, tool shed, private garage or swimming pool shall be erected only in accordance with the following restrictions:

1. No accessory structure is located closer than twenty five (25) feet to the side or rear lot lines.

2. All swimming pools shall comply with the provisions of the New York State Building Code.

## ARTICLE VIII

### NONCONFORMITY

A. Nonconforming Structure or Lot. A structure or lot that does not conform to a dimensional regulation prescribed by this law or to the regulations for signs, off street parking or accessory buildings, but which structure or lot was in existence at the effective date of this law and was lawful at the time it was established.

B. Nonconforming Use. A use of a building or lot that does not conform to a use regulation prescribed by this law, but which was in existence at the effective date of this law and was lawful at the time it was established.

#### Sec. 51 Continuation

The lawful use of any structure or land existing at the effective time of this law may be continued although such use does not conform with the provisions of this law except otherwise provided in this article.

#### Sec. 52 Alteration or Extension

A. A use of land or structure which does not conform to the regulations of this law shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

1. Such alteration or extension shall be permitted only upon the same lot as in existence at the date of the use became nonconforming.

2. For purposes of this section "Volume" does not mean volume of business but rather an increase of cubic volume within a structure.

B. A structure which does not conform to the regulations of the law may be altered, reconstructed, or enlarged, upon review of the Conquest Town Board; and only after receiving special permission from the Town Board can such change be made. Each review will be examined on a case by case basis by the Conquest Town Board.

#### Sec. 53 Restoration

A structure damaged by fire or other causes may be reconstructed, repaired or used for the same nonconforming use subject to the following provisions:

A. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided by Section 52.

B. Reconstruction should begin within six (6) months from the date of damage.

Sec. 54 Abandonment

Whenever a nonconforming use has been discontinued for one (1) full year, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this law.

## ARTICLE IX

### UNOCCUPIED AND UNINHABITABLE

Sec. 55 Unoccupied and Uninhabitable Dwelling, Building or Structure

A. Any dwelling, building or structure that is deemed unoccupied and uninhabitable by the Code Enforcement Officer must, within sixty (60) days, be secure so that it does not constitute a safety hazard, demolished or removed.

B. Procedure:

1. All notices shall be sent by certified mail, return receipt requested, to the owner of the dwelling, building or structure stating that it is unoccupied and uninhabitable, and that the Town may cause to secure the dwelling, building or structure. The notice shall also advise the owner that he/she has thirty (30) days from the date they received the notice to request a hearing.

2. If a hearing is requested within the thirty (30) day period as provided in the notice, the Town Board shall schedule a hearing. Upon the conclusion of the hearing, the Town Board shall make such order as it deems appropriate with regard to the dwelling, building, or structure in question. The Town Board may, upon request, modify this time frame.

3. If no hearing is requested or if after a hearing the Town Board finds that the dwelling, building, or structure is unoccupied and uninhabitable and orders it secured, demolished or removed, the Town shall issue a court order to do so.

4. All costs associated with such action shall be the responsibility of the owner. If the owner fails to pay such costs within a reasonable period of time, the Town may make application to add such costs to the town taxes due and owing on said parcel.

## ARTICLE X

### SEPARABILITY

Sec. 56 Separability

If any section, subsection, sentence, clause or phrase of this Town Law is for any reason held to be unconstitutional or invalid, such decision shall not affect its remaining portions. The Town Board hereby declares it would have passed this law and each section and subsection thereof irrespective of the fact that any one or more of its sections, subsections, clauses or phrases may be found by the court action to be unconstitutional or otherwise invalid.

ARTICLE XI

ENFORCEMENT

Any person, firm or corporation who disobeys, neglects, or refuses to comply with any of the provisions of this Town Law is deemed to be in violation of the law, and is guilty of an offense and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100) or imprisonment of not more than six (6) months, or both, for each offense.

ARTICLE XII

AMENDMENTS

Sec. 58 Authority

The regulations, restrictions and boundaries established by this law may, from time to time be amended, supplemented, changed or repealed by the Town Board in accordance with the procedures provided by Section 10 of Article 2 of the Municipal Home Rule Law of New York State.

Sec. 59 Planning Board

The terms of the Planning Board of the Town of Conquest shall be for a period of five (5) years. The duties of the conquest Planning Board are to act as an advisory board to the Town Board and the Town Board of Appeals.

Sec. 60 Referral to the Town Planning Board

Every such proposed amendment shall be referred to the Planning Board for a report thereon, before the required public hearing is held. If the Planning Board shall fail to submit such report within forty-five (45) days, it shall be deemed that such report is favorable.

Sec. 61 Public Notice and Hearing

The Town Board, by resolution, shall fix the time and place of a public hearing on the proposed amendments, and shall cause notice to be given as follows:

1. Public Notice. By publishing notice at least ten (10) days in advance of such hearing in the official Town newspaper. Such notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendment may be examined.

2. Personal Notice. By mailing a copy of such notice to every association or resident of the Town which has registered its name for this purpose with the Town Clerk.

3. Additional written notice shall be given as provided in Section 20 of the Municipal Home Rule Law of New York State.

Sec. 62 Opportunity to be Heard

At the public hearing, full opportunities to be heard shall be given to any citizen and all parties in interest.

Sec 63 Environmental Review

Before adopting any proposed amendment to this Town Law, an assessment of the environmental impact of such amendment shall be made in accordance with the State Environmental Quality Review Act and any local law enacted pursuant thereto.

## ARTICLE XIII

### REPEAL OF CONFLICTING ORDINANCES AND LOCAL LAWS AND EFFECTIVE DATE

Sec. 64 Interpretation

The provisions of this local law shall be held to be requirements. Whenever the requirements of this local law are at variance internally or with the requirements of any other lawfully adopted rules, regulations, local laws, or ordinances, the more restrictive, or that imposing the higher standards shall govern.



Sec. 65

Repeal of Conflicting Ordinances

The local law of the Town of Conquest inconsistent herewith are hereby expressly repealed. Local Law No. 1 of the Year 1995, of the Town of Conquest is hereby expressly repealed.

Sec. 66

Effective Date

This local law shall be in full force and effect from and after its passage, posting as provided by the Town Law, and filing with the Secretary of State.