

**Code
of the
Town of
Nichols**

COUNTY OF TIOGA

STATE OF NEW YORK

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Town of Nichols

Town Hall

P.O. Box 296

54 East River Road

Nichols, New York 13812

Telephone: (607) 699-3110

FAX: (607) 699-3018

Chapter 194

ZONING

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[HISTORY: Adopted by the Town Board of the Town of Nichols 3-13-1990 by L.L. No. 3-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Adult entertainment — See Ch. 70.

Campgrounds and recreational parks — See Ch. 88.

Uniform construction codes — See Ch. 92.

Driveway standards — See Ch. 99.

Fair housing — See Ch. 106.

Flood damage prevention — See Ch. 114.

Mobile homes and mobile home parks — See Ch. 132.

Sewers and sewage disposal — See Ch. 146.

Swimming pools — See Ch. 157.

Telecommunications facilities — See Ch. 168.

Junked or abandoned vehicles — See Ch. 180.

Water — See Ch. 187.

**ARTICLE I
General Provisions****§ 194-1. Purpose and authority.**

This chapter is designed to regulate land use in the Town of Nichols. Its two guiding principles are that the interests of the majority of the community outweigh the interests of the few, and that the present generation has a responsibility to leave behind, for future members of the community, as pleasant and healthy a place to live in as is possible. Without intruding too severely into the freedom of members of the community, this chapter aims, among other things, to protect property values in Nichols and to safeguard the environment and quality of life of the community. Therefore, in pursuance of the authority conferred by Article 16 of the Town Law of the State of New York, the Town Board of the Town of Nichols, in Tioga County, State of New York, hereby enacts the following chapter.

ARTICLE II
Zoning Districts and Regulations

§ 194-2. Zoning districts; Zoning Map.

- A. For the purposes of this chapter, the Town of Nichols is hereby divided into the following zoning districts and combinations thereof:
- (1) Agricultural districts.
 - (2) Business districts.
 - (3) Industrial districts.
 - (4) Residential districts.
- B. These basic districts are shown, defined, and bounded on the map entitled "Town of Nichols, New York, Zoning Map," dated April 1990, which accompanies and which with all explanatory matter thereon is hereby made part of this chapter. The Town Board shall engage a qualified person to make changes on said map as decided by the Town Board. The original of said map shall be filed in the Office of the Town Clerk and shall be available for public inspection.

§ 194-3. Agricultural districts.

- A. Agricultural districts are those within the boundaries of which there shall be permitted properties, buildings, and other units and equipment for growing crops and flowers and raising livestock and poultry, and other animals and fowl. Such establishments include, but are not limited to:

- Apiaries
- Beef farms
- Dairy farms
- Farms
- Fish farms
- Horse farms
- Horse stables
- Logging
- Poultry farms
- Sheep farms
- Tree, shrub, and other plant nurseries

- B. In residential districts that are also zoned agricultural, animals, poultry, and fowl related to agricultural pursuits must be restricted by fencing, screening, or equivalent to the property owned, rented, or leased by the owner of the animals, poultry, and fowl.

§ 194-4. Business districts.

- A. Business districts are those within the boundaries of which there shall be permitted properties, buildings, and other units and equipment used for the sale of goods and/or services. These include, but are not limited to:

- Animal hospitals
- Auction barns and other auctioning establishments
- Auto body shops
- Auto repair shops
- Bakeries
- Banks
- Barbershops
- Beauty shops
- Cleaners
- Clinics
- Department stores
- Doctors' and dentists' offices
- Dressmakers
- Gas stations
- Hardware stores
- Hospitals
- Liquor stores
- Lumber yards
- Motels, hotels, etc.
- New and used car dealerships
- Restaurants
- Retail stores
- Shopping centers
- Shoe makers and shoe repair shops
- Supermarkets
- Undertakers
- Vegetable stands not part of agricultural establishments
- Warehouses
- Wholesale establishments

- B. The storage and distribution of hazardous materials such as chemicals, petroleum products, and others are subject to all federal, State of New York, and local laws and ordinances.

§ 194-5. Industrial districts.

- A. Industrial districts are those within the boundaries of which there shall be permitted properties, buildings, and other units and equipment for the production of raw materials and manufactured goods. These include, but are not limited to:

Food processing plants
Lumber mills
Mining (including gravel, sand, etc.)
Tire recapping plants

- B. Mining operations are subject to all federal and State of New York regulations and all local land reclamation laws.
- C. The following trades, industries, or uses are allowed only by special permit of the Town Board. Permit procedures shall be those specified in § 194-45 of this chapter: acid manufacture, alcohol manufacture, ammonia manufacture, bleaching powder, or chlorine manufacture, arsenic, asphalt manufacture or refining, automobile wrecking, bag cleaning, blast furnace, boiler works, bottle gas storage, brick, tile or terra cotta manufacture, candle manufacture, celluloid manufacture, cement, lime, gypsum or plaster of Paris manufacture, central mixing plant for cement, mortar, plaster or paving materials, cheese manufacture, coke oven, creosote treatment or manufacture, disinfectants manufacture, distillation of bones, coal, or wood, dyestuff manufacture, explosives manufacture or storage, extermination and insect poison manufacture, garbage, offal or dead animal reduction or dumping, gas manufacture, iron, steel, brass or copper foundry or fabrication plant, lamp black manufacture, match manufacture, oil cloth or linoleum manufacture, paint, oil, shellac, turpentine, or varnish manufacture, petroleum products refining or reclaiming, paper and pulp manufacture, planing mill (except a small wood-working plant), potash works, pyroxylin manufacture, rolling mill, rubber or gutta percha manufacture or treatment, sauerkraut manufacture, shoe polish manufacture, smelting of metal ores, soap manufacture, soda and compound manufacture, stock feeding pen, stockyards or slaughter of animals, stone crusher or quarry, storage of gasoline, oil, or other inflammable liquids except for purposes of immediate retail. Storage or baling of rags, scrap paper, scrap metal or junk, including automobile parts or building materials, salvage yards, stove polish manufacture, tanning, curing, or storage of raw hides or skins, tar roofing or waterproofing manufacture, vinegar manufacture, wool pulling, yeast production, and any trade, industry or use that is so noxious or offensive by reason of emission of odor, dust, smoke, fumes, and/or noise vibration as to be dangerous to public health and safety.
- D. "Industrial District-2" are those districts within the boundaries of which there shall be permitted all of the same activities described above as being permitted in Industrial Districts except that mining (including gravel, sand, etc.) as set forth above shall not be permitted. These districts (Industrial Districts-2) shall be designated on the Town of Nichols Zoning Map as I-2. **[Added 4-26-1995 by L.L. No. 2-1995]**

§ 194-6. Residential districts.

Residential districts are those within the boundaries of which there shall be permitted buildings and manufactured houses with one- or two-family dwelling units. These do not include mobile home parks, townhouse complexes, cluster housing, and apartment buildings except insofar as planned development areas (see § 194-9 below) are permitted in such districts.

§ 194-7. District boundaries.

Where uncertainty exists with respect to the boundaries of various districts as shown on the zone map, the following rules shall apply:

- A. Where district boundaries are so indicated as to approximately follow lot lines, such lot lines shall be construed to be such district boundaries.
- B. Where district boundaries are so indicated as to approximately follow road or highway center lines, right-of-way lines, rivers or creeks, such center lines, right-of-way lines, rivers and creeks shall be construed to be such district boundaries.
- C. Where uncertainty remains in determining the precise location of any district boundary line, the Zoning Board of Appeals shall interpret the intent and purpose of the Zoning Map.

ARTICLE III
Supplementary Regulations

§ 194-8. Special permit uses.¹

Churches, cemeteries, museums, libraries, schools, botanical gardens, municipal buildings, and other similar religious, cultural, education, and civic buildings; recreation areas, activities, and establishments such as bowling alleys, race tracks, skating rinks, rock concerts, theaters and movie houses, adult bookshops, bars, dance halls, parks, picnic grounds, campgrounds, marinas, golf courses, ski areas, public swimming pools, shooting ranges, riding stables, and other outdoor recreational areas; and fire stations, airports, landfills, animal hospitals, kennels or places for the boarding of animals, hospitals and sanitariums may be allowed in one or more zoning districts by special permit of the Zoning Board of Appeals. Permit procedures shall be those specified in § 194-45 of this chapter.

§ 194-9. Planned developments.

Planned development areas may be allowed in residential districts only by special permit of the Town Board. Those are areas within whose boundaries there shall be permitted the construction of large-scale planned residential neighborhoods that may contain cluster housing, townhouse complexes, apartment buildings, and similar residential units, contracted by a single source. Planned development areas must include a minimum of 10 acres. The type

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

and number of residential units to be included in a proposed planned development area must be specified in the permit request. Permit procedures shall be those specified in § 194-45 of this chapter.

§ 194-10. Public utilities.

Major installations of public utilities may be allowed in nonbusiness, nonindustrial residential districts by special permit of the Town Board. The Zoning Board of Appeals and the Town Board shall have the authority to require any reasonable change in the site plan in order to protect the residential nature of adjoining properties. Major installations do not include the installations of standard telephone poles, telephone lines and electrical transmission lines. Permit procedures shall be those specified in § 194-45 of this chapter.

§ 194-11. Floodplain areas.

Floodplain regulations, as set by the Federal Emergency Management Agency (FEMA), shall be adhered to.²

§ 194-12. Minimum lot sizes and setbacks.

The minimum lot size for all buildings shall be two acres to five acres depending on percolator test results. Where the results of percolator tests so indicate and/or a special waste disposal system is designed and approved by the Code Enforcement Officer, lot sizes of less than two acres may be permitted when approved by the Town Board. Permit procedures shall be those specified in § 194-46 of this chapter.

- A. In nonindustrial, nonbusiness residential districts, each building shall be set back at least 75 feet from the center line of any public street or road, except for corner lots where the seventy-five-foot setback will apply to the front of the building only. All structures must be a minimum of 40 feet from side and rear lot lines. However, nonhabitable (animal or human) accessory buildings such as detached garages and tool sheds may be located 20 feet or more from the side and rear lot lines.
- B. In industrial districts, each building shall be set back at least 150 feet from the center line of any public street or road and from all remaining lot boundaries.
- C. In business districts, each business building shall be set back at least 75 feet from the center line of any public street or road, 40 feet from adjoining nonindustrial, nonbusiness residential districts, and 40 feet from other lot boundaries.
- D. Residential units in residential districts that are also zoned industrial must meet the same setback requirements as those for industrial establishments.

2. Editor's Note: See Ch. 114, Flood Damage Prevention.

§ 194-13. Height regulations. [Amended 5-22-2002 by L.L. No. 2-2002]

No building or structure of any type, in any district or zone, shall exceed 35 feet in height, except by special permit granted by the Town of Nichols Zoning Board of Appeals. Permit procedures shall be those specified in § 194-45 of this chapter.

§ 194-14. Building code.

All new construction, additions, structural refurbishing, and the like require a building permit and are subject to the rules and regulations of the New York State Uniform Fire Prevention and Building Code.³

§ 194-15. Mobile home parks.

The layout and other aspects of mobile home parks shall comply with Chapter 132, Mobile Homes and Mobile Home Parks. The area between the home park's boundary (as described in the required site plan) and adjacent roads, should it be less than 200 feet, shall be planted with evergreen trees at least three feet high and no further apart than 10 feet.

§ 194-16. Junkyards. ⁴

Any area used for the storage or sale of wastepaper, rags, scrap metal, or discarded or salvaged material, or for the collecting, wrecking, dismantling, storage, salvaging or sale of vehicle or machinery parts, shall be completely enclosed by a substantial and solid fence that will block the view from adjacent roads. Such fences shall be at least eight feet high, with openings only for ingress and egress, and shall be no closer than 75 feet to the center line of adjacent roads. The area between the fence and the road, should it be less than 200 feet, shall be planted with evergreen trees at least three feet high and no further apart than 10 feet. Junkyards shall observe all federal, state and local laws, ordinances, and regulations governing such activities. Owners of such establishments must have a state-issued dismantler's license.

§ 194-17. Off-street parking.

Each residential unit and each agricultural, business, and industrial establishment shall provide in connection with it adequate off-street parking space for automobiles as established by the Code Enforcement Officer with the endorsement of the Zoning Board of Appeals.

§ 194-18. Off-street loading.

At least one loading space shall be provided for each business or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet. Space for off-street loading shall be in addition to space for off-street parking. Each off-street loading space shall be subject to the following minimum requirements:

3. Editor's Note: See Ch. 92, Construction Codes, Uniform.

4. Editor's Note: See also Ch. 180, Vehicles, Junked or Abandoned.

- A. Each berth shall be not less than 12 feet wide, 40 feet long, and 14 feet in height when covered.
- B. Space for such a berth may occupy any part of any required side or rear yard, except that no berth shall be located closer than 150 feet to a nonbusiness and nonindustrial residential district.

§ 194-19. Driveways.

All driveways shall be laid out and built in accordance with existing Town, county, and state regulations governing driveways.⁵

§ 194-20. Outdoor storage.

There shall be no outdoor storage of rubbish or refuse in connection with any of the uses permitted by §§ 194-4 and 194-5 of this chapter.

§ 194-21. Fences and walls.

Fences and walls shall not block the vision of auto drivers entering or exiting from driveways and/or intersecting streets.

§ 194-22. Signs. [Amended 4-25-2007 by L.L. No. 1-2007]

A. Purpose.

- (1) The purpose of this section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.
- (2) This section is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

5. Editor's Note: See Ch. 99, Driveway Standards.

AWNING SIGN — Any visual message incorporated into an awning attached to a building.

COPY-CHANGE SIGN — A sign on which the visual message may be periodically changed.

DIRECTIONAL SIGN — A sign limited to providing information as to the location of a business, activity or event.

FREESTANDING SIGN — Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs and pylon signs constructed of wood, masonry materials or any other material.

ILLUMINATED SIGN — Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

OFF-PREMISES SIGN — A sign unrelated to a business or a profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

PROJECTING SIGN — A sign which is attached to a building, wall or structure and which extends horizontally more than 15 inches from the plane of such wall or structure or a sign which is perpendicular to the face of such wall or structure.

RIGHT-OF-WAY — The area, as designated by the agency responsible for a specific highway or roadway, that is to remain free from any structures or encroachments.

SIGN — Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building or structure or indoors, as a window sign, displaying an advertisement, announcement, notice or name, and shall include but not be limited to any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person, business, organization or cause when such is placed in view of the general public.

SIGN STRUCTURE — The supports, uprights, bracing, framing, mountings and framework for a sign. In the case of a sign structure consisting of two or more sides in which the angle formed between any two sides or the projections thereof exceeds 30°, each side will be considered a separate sign structure.

SIGN SURFACE AREA — The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting the sign shall be excluded unless the structure is designed in such a manner as to form an integral background for the display. One side of a double-faced sign shall be used to calculate the total surface or area of such a sign.

TEMPORARY SIGN — A nonpermanent sign related to a single activity or event.

WALL SIGN — A sign which is painted on or attached to the outside wall of a building with the face of the sign parallel to such wall and not extending more than nine inches from the face of such wall.

- C. Permit required. Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Code Enforcement Officer (CEO). Within six months following the effective date of this section, a permit shall also be obtained for any sign in existence as of the effective date of this section unless excluded under Subsection F. Subsequent to this initial application, no permit shall be required for the general repair or maintenance of any permitted sign.
- D. Application procedure. Applications shall be made in writing to the CEO on forms obtained from the CEO, and shall contain the following information:
- (1) The name, address and telephone number of the applicant.
 - (2) The name, address and telephone number of the property owner.
 - (3) The location of the building, structure and/or land upon which the sign now exists or is to be erected.
 - (4) Two copies of a plan, drawn to scale, as well as a description of the sign, sign structure and placement and should include the following:
 - (a) Its location on the premises, specifically its position in relation to existing buildings, structures, property lines, roadways, driveways, parking lots and any other existing or proposed signage, and indicating such distances.
 - (b) For signs 150 square feet or more:
 - [1] Stress sheet and calculations showing that the structure is designed for dead load and wind pressure in any direction.
 - [2] The name of the person, firm or corporation erecting the structure.
 - [3] The method of illumination, if any, and the position of lighting or other extraneous devices.
 - [4] Any electrical permit required and issued for said sign.
 - [5] Graphic design, including lettering materials and colors sufficient to detail conformity with the provisions of this section.
 - (c) Such other information as the CEO shall reasonably request.
- E. Issuance of permit; permit conditions.
- (1) All signs governed by this section, other than those mentioned in Subsection F, shall require a sign permit.
 - (2) Upon the filing of a completed application for a sign permit, and the payment of the required fee which has been determined by a schedule of fees as established by the Town Board, the CEO shall examine the plans, specifications and other data

submitted and the premises on which the sign is to be erected or now exists. If the sign is in compliance with the requirements of this chapter, the CEO shall, within 30 days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of this permit shall not excuse the applicant from conforming to any other laws or any local laws or ordinances.

- (3) If an authorized sign has not been completed within six months from the date of issuance, the permit shall become null and void, but may be renewed within 30 days prior to its expiration, with good cause shown, for an additional six months, upon payment of 1/2 of the original fee.
- (4) The term of such permit shall extend through the useful life of the sign unless otherwise indicated in this section. A new permit shall be required if:
 - (a) Changes to the design, copy, structure, size or supporting structure are no longer consistent with the original application.
 - (b) The name of the business or type of business is no longer consistent with the original application.
 - (c) The business is sold or property leased or in some manner comes under the management or is represented by a party or parties not consistent with the original application.
 - (d) The original permit is found to be in violation under the provisions of this section or any other ordinance.
- (5) Any applicant affected by any decision of the CEO under the provisions of this section may appeal such decision to the Zoning Board of Appeals within 30 days from the date of such decision. Such appeal shall:
 - (a) Be made in writing;
 - (b) Set forth the grounds therefor;
 - (c) Be filed with the Town Clerk; and
 - (d) Otherwise conform with the Article VI, Appeals, Special Use Permits and Variances, of this chapter.

F. Exempt signs. The following types of signs may be erected and maintained without a permit or fee, provided that such signs comply with the requirements of this section and any other law or ordinance imposed by the Town of Nichols or other governing body:

- (1) Historical markers, tablets and statues, memorial signs and plaques; names and dates of buildings.
- (2) Signs, notices or emblems installed by governmental bodies and noncommercial flags or insignia of any government.
- (3) On-premises nonadvertising and nonilluminated directional signs for the convenience of the general public, identifying public parking areas, fire zones,

entrances and exits, and similar signs not exceeding four square feet per face. Freestanding directional signs shall not exceed six feet in height.

- (4) Nonilluminated warning, "private drive," "posted" or "no-trespassing" signs, not to exceed three square feet per face.
- (5) Number and name plates identifying residents, mounted on a house, apartment or mailbox, not exceeding one square foot in area.
- (6) Holiday decorations, including lighting, may be displayed in any district.
- (7) Temporary signs.

G. Prohibitions.

- (1) No sign in any district shall be placed or located within or extend into the right-of-way of any public property, highway or roadway.
- (2) No sign shall be illuminated by or contain flashing, intermittent, rotating or revolving lights.
- (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color, illumination or placement. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within the right-of-way of the intersection of the street or highway lines.
- (4) No sign shall contain or consist of any disassembled, inoperable, junked or wrecked vehicle body, tractor or trailer in such state of physical or mechanical ruin as to be incapable of propulsion or being legally operated upon the public streets or highways.
- (5) No advertising message shall be extended over more than one sign placed along a street or highway.
- (6) No off-premises signs will be permitted, except off-premises directional signs for the convenience of the general public and for the purpose of directing people to a business, activity, service or community facility may be erected, provided that such signs do not exceed six square feet per establishment or location nor total more than two such signs per establishment or location. The message shall be limited to name or identification, arrow or direction and distance.

H. Regulations by sign type.

- (1) Wall signs.
 - (a) The maximum area of wall sign graphics can be one square foot for each linear foot of building frontage occupied by the enterprise on which the sign is placed. In no event shall such sign exceed 400 square feet.
 - (b) Wall signs shall:
 - [1] Not extend beyond the ends or over the top of the wall to which they are attached.

[2] Not extend more than nine inches from the face of the building to which they are attached.

[3] Have a minimum clearance of seven feet six inches for any part of a sign extending over pedestrian traffic areas.

(2) Projecting signs:

- (a) Cannot have more than two faces, and the maximum area of the panel or symbol shall be 15 square feet.
- (b) Can only extend a maximum of three feet from the building face, or 1/3 the width of the sidewalk, whichever is less.
- (c) Cannot extend into vehicular traffic areas, and any part over pedestrian traffic areas shall have a minimum clearance of seven feet six inches.
- (d) Cannot be higher than 14 feet from the ground.
- (e) Cannot be copy-change type.

(3) Freestanding signs:

- (a) Cannot have more than two faces, and the maximum area of the panel or symbol shall be 50 square feet.
- (b) Can have a maximum total height of 20 feet, including support.
- (c) Cannot extend into vehicular traffic areas, and any part extending over pedestrian traffic areas shall have a minimum clearance of seven feet six inches.

(4) Marquee, canopy and awning signs:

- (a) Cannot have any other object, projectile or sign either hanging or suspended from them.
- (b) Will include type that is completely within the outer edges of such marquee, canopy or awning.
- (c) Will have a maximum area of graphics of one square foot for each linear foot of marquee perimeter.
- (d) May only have graphics which are painted or affixed flat to the surface of the front or sides.

I. Nonconforming signs.

- (1) Any sign erected prior to the effective date of this section which does not conform to the provisions and standards of this chapter may continue in use until a change of use or replaced.

- (2) A nonconforming sign shall not be enlarged or replaced by another nonconforming sign.
- J. Removal of signs. If the CEO finds that any sign regulated in this section is not used, is not in compliance with this section or any other ordinance, is abandoned, unsafe, or insecure, or is a menace to the public, the CEO shall give written notice to the named owner of the property upon which it is located, who shall remove or repair the sign within 30 days from the date of the notice. If the sign is not repaired or removed within said time period, the CEO shall revoke the permit issued for such sign, and can issue a noncompliance ticket to the property owner.
- K. Construction standards.
 - (1) General.
 - (a) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL 48) of Underwriters' Laboratories, Inc., and bear the seal of Underwriters' Laboratories, Inc.
 - (b) If such sign does not bear the Underwriters' Laboratories label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
 - (c) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area.
 - (d) All signs, including wall-mounted and projecting signs, shall be securely anchored.
 - (e) All signs, sign finishes, supports and electrical work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.
 - (f) All projecting, freestanding or wall signs shall employ acceptable safety material.
 - (g) All signs shall be painted and/or fabricated in accordance with generally accepted standards.⁶

§ 194-23. Operating days and hours.

The Town Board shall have the authority to regulate business days and hours for industries and businesses. Those regulations, however, shall be uniform for each business or industry of the same type throughout a particular zoning district.

6. Editor's Note: Former Subsection L, Penalties for offenses, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 194-24. Fire and safety hazards.

All buildings, operations, storage, waste disposal, etc., shall be in accordance with applicable provisions of the latest published edition of the New York State Uniform Fire Prevention and Building Code.

§ 194-25. Noise.

See Appendix 1 of this chapter.⁷

§ 194-26. Odors.

It shall be unlawful for any person to permit the emission of any odor that is unreasonably offensive as determined at the individual property lines. Exceptions to this provision are the storage and spreading of manure for agricultural purposes.

§ 194-27. Dust and dirt.

It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders, or fly ash as to exceed 0.3 grain per cubic foot of flue gases at a stack temperature of 500° F., when measured at the top of the stack. Other kinds of dust, dirt, and other particulate matter shall not be in excess of 0.3 grain per cubic foot of air as measured at the top of the stack and corrected to standard conditions, provided that if the top of the stack is 100 feet or more above finished grade, the amount of particles of not more than 10 microns in size, if any, may be increased to an amount not in excess of 0.03 (h/100) grain per cubic foot, corrected to standard conditions, which is the height of the top of the stack above the finished grade.

§ 194-28. Noxious gases.

It shall be unlawful for any person to permit the escape of such quantities of noxious acids, fumes, or gases in such a manner and concentration as to endanger the health, comfort, or safety of any person, or to cause or have a tendency to cause injury or damage to property, business, or vegetation.

§ 194-29. Smoke.

It shall be unlawful for any person to permit the emission of any smoke from any source whatever, as measured at the individual property line, of a density described as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; provided, however, that the emission of smoke shall be unlawful if it is unreasonably offensive in terms of odor or noxious gases despite its apparent lack of density when measured by the Ringlemann Chart.

7. Editor's Note: Appendix 1 is included at the end of this chapter.

§ 194-30. Glare.

It shall be unlawful for any person to carry on a process such that a continuous direct or sky-reflected glare, whether from floodlights or from a high-temperature process such as combustion or welding, or other such low-intensity brilliance at such location causes glare or impairs the vision of the driver of any motor vehicle, or at the property boundary creates a problem for neighboring residents.

§ 194-31. Radioactive materials.

It shall be unlawful for any person to permit the emission of such quantities of radioactive materials, in any nature whatsoever, so as to be unsafe under standards established by the United States Bureau of Standards.

§ 194-32. Pollution of water.

It shall be unlawful for any person to permit the pollution of surface water drainage, groundwater, or natural aquifers in any manner that renders them less usable in quality and quantity for irrigation, swimming, drinking, visual attractiveness, or whatever lawful uses of water resources, to persons downstream than such water's usefulness as it enters said person's property or area of operation.

ARTICLE IV
Nonconforming Uses

§ 194-33. Continuation of existing uses.

Any nonconforming use of land, buildings, parts thereof, or otherwise existing at the time this chapter takes effect may be continued, except that if they are voluntarily discontinued for 12 months or more, they shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

§ 194-34. Reconstruction or restoration.

Any building or structure existing as a nonconforming use at the time this chapter takes effect, which is destroyed by fire or the elements, may be reconstructed and restored to such nonconforming use and to its original dimensions, provided the same is done within 12 months from the date of the destruction.

§ 194-35. Buildings under construction.

Any building intended or designed for a nonconforming use, the construction of which has been started at the time this chapter takes effect, but not completed, may be put to such nonconforming use, provided it receives a certificate of occupancy from the Town's Code Enforcement Officer within 12 months after this chapter takes effect.

§ 194-36. Special permits.

A nonconforming structure may be demolished and replaced by a like nonconforming structure only by special permit of the Town Board. Permit procedures shall be those specified in § 194-45 of this chapter.

§ 194-37. Extension of nonconformity.

A building or structure devoted to a nonconforming use at the time this chapter takes effect may not be altered or enlarged so as to extend said nonconforming use more than 10% in area. Such a ten-percent extension shall be permitted only once for the building or structure for which it is approved.

§ 194-38. Nonconforming uses created by transfer of zoning district.

Whenever an area is transferred from one zoning district classification to a district of a different classification, the above regulations shall apply to nonconforming uses created by the transfer.

§ 194-39. Restrictions on prior uses.

The intended use of property prior to the time this chapter takes effect shall not be a justification for a nonconforming use after this chapter takes effect.

§ 194-40. Existing residential structures.

All lots with functional residential structures existing at the time this chapter goes into effect shall be deemed in compliance with all provisions of this chapter concerning setbacks and lot size.

§ 194-41. Gravel or sand mining areas. [Added by L.L. No. 6-1997]

- A. The owner or holder of any property interest in any land within the I-B-A-R District in the northeast section of the Town, which district is generally bounded on the south and west by Stanton Hill Road, on the north by the Susquehanna River, and on the east by the Town of Owego, who delivers to the Town Clerk a notice of intent to mine, in the form set forth below, shall be vested with a property right to mine sand or gravel on or from said property for purposes of establishing a nonconforming use under this chapter or establishing a property right in any permit, authorization or approval which is now or may be required under the laws and ordinances of the Town of Nichols. Said property right shall vest as of the date upon which the notice of intent is delivered to the Town Clerk. Said property right shall be limited to rights under this chapter and the laws and ordinances of the Town of Nichols, and this section is not intended to create any property rights to any permit under New York State's Mined Land Reclamation Law, or any other state or federal law.

- B. The following form shall be delivered to the Town Clerk by certified mail, return receipt requested, or by any other means, including overnight delivery or hand delivery, for which proof of delivery is provided. Upon receipt, the Town Clerk shall file such form and shall maintain the original as part of the official records of the Town.

NOTICE OF INTENT TO MINE

To: Town Clerk, Town of Nichols

From: [Insert name and address of property owner or holder of any property interest]

I am the owner [or describe property interest] of certain real property located within the Town of Nichols at [address and/or description of location of the property], more particularly described as [legal description of property] and comprising all or part of [tax identification number of the parcel(s)]. Pursuant to § 194-41 of the Town of Nichols' Zoning Local Law, I hereby provide notice to the Town of Nichols of my intent to mine the above described property.

SIGNATURE

Sworn to before me this ____ day of ____, ____.

NOTARY PUBLIC

ARTICLE V Administration

§ 194-42. Enforcement.

Enforcement of this chapter shall be vested in the Town of Nichols Code Enforcement Officer.

ARTICLE VI Appeals, Special Use Permits and Variances [Amended 12-11-1990 by L.L. No. 4-1990]

§ 194-43. Zoning Board of Appeals. ⁸

- A. Decisions made by the Code Enforcement Officer on the enforcement of this chapter may be appealed to Zoning Board of Appeals.
- B. The Zoning Board of Appeals shall be composed of five members, including the Chairperson, appointed by the Town Board. The term of office of members of the Zoning Board of Appeals shall be five years and may be renewed; the term of the Chairperson shall be for one year and may be renewed. Initially, however, the terms of the members

⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

of the Zoning Board of Appeals shall be one year, two years, three years, four years or five years in order to provide for staggering of appointments. The Zoning Board of Appeals shall select, from its members, a Secretary and shall prescribe rules for the conduct of its affairs. The Town Board may also appoint alternate members to the Zoning Board of Appeals in accordance with Town Law § 267, Subdivision 11.

- C. Appeals to the Zoning Board of Appeals shall be in writing and submitted through the Town Clerk. On matters involving the interpretation of any provision of this chapter, the decision of the Board of Appeals shall be final. Similarly, the Board of Appeals shall decide what is or is not a business, industry, agricultural enterprise, or residential unit should there be any ambiguity on the subject in this chapter. The Board of Appeals shall decide upon appeals as set forth in Town Law § 267-a.

§ 194-44. Home-based businesses.

The establishment of businesses such as doctor's and dentist's offices, architect's offices, hair dressing salons, bakeries, repair shops, and similar activities in dwelling units in noncommercial, nonindustrial residential and agricultural districts shall be governed by the following provisions:

- A. The person wishing to establish such a business shall apply, through the Code Enforcement Officer, to the Zoning Board of Appeals for a permit. The application form is available from the Code Enforcement Officer and is to be submitted to him/her with the required appropriate signatures and a fee, said fee to be established by the Town Board and to be used to cover such costs as the publication of legal notice.
- B. The Code Enforcement Officer will, within two weeks after he/she receives it, submit the application form to the Zoning Board of Appeals.
- C. After public notice and hearing, the Zoning Board of Appeals will make a decision on the application within 45 days after it receives it. If the decision is to issue a permit, the Zoning Board of Appeals will indicate in the permit the conditions under which the proposed business may operate. Any violation of those conditions will be a violation of this chapter and will subject the property owner to appropriate penalties and/or revocation of the permit.
- D. Permits may be permanent or for a specified period only. At the end of that period, the permit will be reviewed by the Zoning Board of Appeals and a decision made as to whether to renew the permit.
- E. Residential units used for home-based businesses must be occupied and used as homes by their owners.

§ 194-45. Special use permits.

Requests for other special permits shall be governed by the following provisions:

- A. Application for the special permit shall be made, through the Code Enforcement Officer, to the Zoning Board of Appeals. The application form is available from the Code

Enforcement Officer and is to be submitted to him with the required fee, said fee to be established by the Town Board and to be used to cover such costs as the publication of legal notice.

- B. The Code Enforcement Officer will, within two weeks after he/she receives it, submit the application form to the Zoning Board of Appeals.
- C. The Zoning Board of Appeals shall hold a public hearing and decide upon the application as set forth in Town Law § 274-b. If the decision is to issue a permit, the Zoning Board of Appeals will indicate in the permit conditions under which the requested use will be permitted. Any violation of those conditions will be a violation of this chapter and will subject the property owner to appropriate penalties and/or revocations of the permit.⁹
- D. Permits may be permanent or for a specified period only. At the end of that period, the permit will be reviewed by the Zoning Board of Appeals and a decision made as to whether to renew the permit.

§ 194-46. Variances. ¹⁰

The Zoning Board of Appeals, on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant use and area variances in accordance with guidelines set forth in Town Law § 267-b. The Board of Appeals, in the granting of use and area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

§ 194-47. Consistency with and effect on other provisions.

The granting of special permits and variances will be in harmony with the intent and purpose of this chapter and will not constitute, in effect, an amendment of any district regulation or boundaries.

ARTICLE VII Violations and Penalties

§ 194-48. Penalties for offenses. ¹¹

Any owner, lessee, contractor, agent, or other person who uses or maintains, or causes to be used or maintained, any building or premises or any part thereof in the Town of Nichols for any purpose other than the uses permitted therefor in this chapter, or who erects, enlarges, alters, or maintains, or causes to be erected, enlarged, altered, or maintained, any building or any part thereof in the Town except in conformity with the provisions of this chapter, or who uses or maintains, or causes to be used or maintained, any building of any part thereof in the

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Town which has been erected, enlarged, or altered other than in conformity with the provisions of this chapter, or who otherwise violates, or causes to be violated, any provision of this chapter shall be punishable by a fine and/or imprisonment as set forth in Town Law § 268. Each week's continued violation shall constitute a separate, additional violation.

§ 194-49. Civil penalty.

If any person fails to abate any violation of this chapter within five calendar days after written notice has been served personally upon said person, or within 10 days after written notice has been sent to said person by certified mail at said person's home or business address, said person shall be subject to a civil penalty of \$300 for each and every week that said violation continues, recoverable by suit brought by the Town and to be retained by the Town.

§ 194-50. Additional remedies.

Any violation of this chapter may also be enjoined pursuant to law.

§ 194-51. Remedies cumulative.

The remedies provided for herein shall be cumulative and shall be in addition to any other remedies provided by law.

§ 194-52. Failure to comply with Board of Appeals plan.

Failure to comply with a plan approved by the Zoning Board of Appeals shall be a violation of this chapter and shall be subject to the penalties described herein.

**ARTICLE VIII
Amendments**

§ 194-53. Procedure.

- A. The Town Board may, from time to time, on petition or on recommendation of the Planning Board and/or the Zoning Board of Appeals, and after public notice and hearing, amend, supplement, change, or modify this chapter pursuant to provisions of the Town Law applicable thereto. If the proposed amendment is made by petition, such amendment shall be referred to the Zoning Board of Appeals for report prior to public notice and hearing thereon.
- B. Any proposed amendment to the Town of Nichols' Zoning Law, including any amendment to this section, or any other local law or ordinance, or any proposed adoption of any local law or ordinance or moratorium, which would affect, in any way, the right to mine sand or gravel within the current I-B-A-R District at the eastern end of the Town, which district is generally bounded on the south and on the east by Stanton Hill Road and the current I-2-B-A-R District, and on the west and on the north by the Susquehanna River, or which would amend Article III of this chapter with respect to the vesting of

certain property rights within said I-B-A-R District, shall not be adopted until all property owners in said I-B-A-R District are provided with a written notice, sent by certified mail, return receipt requested, of the proposed amendment to this chapter, or adoption of or amendment to any local law or ordinance or moratorium, at least three months prior to the adoption of or amendment to any such local law or ordinance or moratorium. Such written notice shall include a copy of the proposed amendment, or proposed local law or ordinance or moratorium, a copy of which shall also be published in the official Town newspaper at least three months prior to the adoption of such amendment, local law or ordinance or moratorium. **[Added by L.L. No. 6-1997]**

ARTICLE IX Definitions and Word Usage

§ 194-54. Word usage.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future tense; the singular includes the plural; "shall" is intended to be mandatory; the word "person" includes a firm or corporation as well as an individual.

§ 194-55. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE OR BUILDING — A use or building customarily incidental and subordinate to the principal use or building on the same lot.

APARTMENT BUILDING — A building arranged, intended, or designed to be occupied by three or more families living independently of each other, which has joint or common utility services and entrances.

APPEAL — A formal process that provides an opportunity to have a decision or interpretation of this chapter by the Code Enforcement Officer evaluated and possibly overturned.

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 and goods.

BUILDING CODE — The New York State Uniform Fire Prevention and Building Code.

CLUSTER HOUSING — A planned development housing arrangement in which lots are plotted with less than the minimum lot size and setback provisions of this chapter, but which have access to common open space which is part of the overall development plan approved by the Town Board.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the Town of Nichols.

CONDOMINIUMS — A multifamily project of one-family dwelling units which may consist of one, a part, or more than one building wherein the real property title and ownership are

vested in an owner, who has undivided interest with others in the common usage areas and facilities which serve the development. The means of administration and maintenance of common areas are mutually entered into by the respective owners.

DWELLING, ONE-FAMILY — A detached building or townhouse designed to be occupied exclusively by one family.

DWELLING, TWO-FAMILY — A building designed for and occupied by two families living independently of each other.

DWELLING UNIT — A building or portion thereof providing complete living facilities for one family.

FAMILY — One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.¹²

HOTEL — A building containing rooms which are used for or rented to be occupied for sleeping purposes and where a general kitchen and dining room may be provided within the building or in an accessory building.

JUNKYARD — Any area of land, including buildings thereon, which is used primarily for the collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded material; or for the collecting, storage, and/or salvaging of machinery or vehicles not in running condition and for sale of parts thereof.

LOT — A parcel of land having distinct and defined boundaries as described in a separate deed.

LOT LINE — The boundary line of a lot.

MANUFACTURED HOUSING — A housing unit constructed off-site consisting of one or more than one segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate, which meets all the standards of the New York State Building Code.

MOBILE HOME — Any vehicle or similar portable structure with or without a foundation or wheels, jacks, skirtings, wood, or masonry block supports, designed or constructed to be towed, driven, or otherwise transported to its resting site and which is further designed to permit occupancy for dwelling or sleeping purposes. The term "mobile home" shall also include the terms "trailer" and "house trailer."

MOBILE HOME PARK — Any lot on which two or more mobile homes are located for occupancy for more than 90 consecutive days, regardless of whether a charge is made for such accommodations.

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

MOTEL — A building containing rooms which are rented as a series of sleeping units primarily for motor vehicle transients, each sleeping unit consisting of at least a bedroom and a bathroom.

NONCONFORMING USE — Any use of any building, structure or land which was lawful prior to the adoption, revision or amendment of this chapter, but which does not conform to the use regulations presently in existence in the district in which it is situated.¹³

PLANNING BOARD — The Planning Board of the Town of Nichols.

ROOMER — A person living within a household who pays a consideration for such residence.

ROOMING HOUSE — A building other than a hotel where people are lodged for hire or where rooms are offered for hire. A tourist home is the same as a rooming house.

SETBACK — The distance from a lot's boundary lines or the center line of adjacent roads to the front, rear, and sides of a building on that lot.

SIGN — See § 194-22B.¹⁴

TOWN BOARD — The Town Board of the Town of Nichols.

TOWN CLERK — The Town Clerk of the Town of Nichols.

VARIANCE — A device which grants a property owner relief from certain provisions of this chapter, such as minimum lot size and setbacks, or which permits land uses not allowed in a given zoning district.

YARD — The space on a lot not occupied by a building.

- A. **FRONT YARD** — A yard between the front lot line and the front line of a building extended to the side lines of the lot. Where the front lot line is not clearly established, it shall be deemed to be not closer than 25 feet to the center of the road.
- B. **REAR YARD** — A yard between the rear lot line and the rear line of the principal building extended to the side lines of the lot.
- C. **SIDE YARD** — A yard between the principal building and a side lot line extending through the front yard to the rear yard.

ZONE MAP — The zone map of the Town of Nichols.

ZONING BOARD OF APPEALS — The Zoning Board of Appeals of the Town of Nichols.

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ZONING

194 Attachment 1

Town of Nichols

Appendix 1 Noise Levels

It shall be unlawful for any person to permit the emission of measurable noises as follows:

| | |
|---|--|
| Industrial districts: | 70 decibels during daytime hours 70 decibels at nighttime |
| Commercial districts: | 65 decibels during daytime hours 60 decibels at nighttime |
| Agricultural and residential districts: | 60 decibels during daytime hours 50 decibels at nighttime |

A. Measurements of noise.

1. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by the American National Standards Institute.
2. The slow meter response of the sound-level meter shall be used in order to best determine that the average amplitude has not exceeded the limiting noise level set above.
3. Measurements of noise levels shall be made at or beyond the property line of the property on which such noise is generated or perceived, as appropriate, and shall be taken at least four feet from ground level.
4. Compliance with the noise limits is to be maintained at all elevations at the boundary of the property.
5. Daytime hours shall be between 7:00 a.m. and 6:00 p.m. local time. Nighttime hours shall be between 6:00 p.m. and 7:00 a.m. local time.

B. Exemptions. Exempt from the noise level limits established by this chapter are:

1. Educational institutions.
2. The State of New York and all municipal corporations and subdivisions of the state.
3. Emergency vehicles, including ambulances, fire and police vehicles, and emergency warning devices.
4. Vehicular traffic on a public thoroughfare.

NICHOLS CODE

5. Lawn mowers, power saws, and power equipment when used for property maintenance purposes.
6. The use of tractors and other equipment used for plowing, planting, spreading fertilizer, and harvesting in agricultural districts.
7. The legal discharge of firearms.

ZONING

194 Attachment 2

Town of Nichols

**Application for Permit to Establish a Business in a Residential Unit in a
Nonbusiness and Nonindustrial Residential or Agricultural District**

Please type or print (in ink).

This form is to be submitted with the appropriate fee to:

Code Enforcement Officer
Town of Nichols
Nichols, New York 13812

Name of Applicant: _____

Address of Applicant: _____

Applicant's telephone number: _____

Zoning district in which proposed business activity will be housed: _____

Brief description of location of residential unit in which proposed business is to be housed:

Description of the proposed business (provide as much detail as possible):

Will the residential unit in which the business is to be housed require any alterations?

Yes _____ No _____ If yes, please describe those alterations in the space below:

Proposed operating days and hours: _____

NICHOLS CODE

Parking facilities available:

Brief description of any signs that will be placed on the property housing the proposed business:

Name of owners of all properties within 500 feet of the residential unit housing the proposed business:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Signature of applicant: _____

Date: _____

Endorsement of proposal by property owners within 500 feet of the residential unit housing the proposed business:

We, the undersigned, hereby endorse the above application for a residence-based business:

| Name | Address | Signature and Date |
|-------|---------|--------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

ZONING

194 Attachment 3

Town of Nichols

Request for Special Permit or Variance

Please type or print (in ink).

Submit this form with the appropriate fee to:

Code Enforcement Officer
Town of Nichols
Nichols, New York 13812

Name of Applicant: _____

Applicant's address: _____

Applicant's telephone number: _____

Zoning district affected by this request: _____

In the space below, describe in detail the requested use or variance. Additional materials (photographs, drawings, etc.) may be requested by the Code Enforcement Officer before submitting the application to the Zoning Board of Appeals.

(Continue on other side if necessary)

Applicant's signature: _____

Date: _____

ZONING

194 Attachment 4

Town of Nichols

Descriptions of Zone Boundaries

(I-2-B-A-R) [Added 4-26-1995 by L.L. No. 2-1995]

The current designated I-B-A-R District at the eastern end of the Town, more specifically described as being bounded southerly by Stanton Hill Road and the current A-R District, westerly and northerly by the Susquehanna River; westerly by the currently designated B-A-R and A-R Districts; and easterly by the current A-R zoned district of the Town shall henceforth be designated as an I-2-B-A-R District.

Section 138 (I-B-A-R)

Beginning at a point in the center of the Susquehanna River, thence south along the easterly boundary line of 138-1-21 (currently owned by Graydon and Alice Martin), continuing south, then west, then south along the easterly boundary of 138-1-21, thence south along the easterly boundary of 138-1-22 (currently owned by Nathan and Caroline Donnelly), to the center line of Stanton Hill Road.

Thence in a southwesterly direction following the center line of Stanton Hill Road to a point coincident with the southerly limit of the southwesterly boundary of 138-1-38.1 (currently owned by Douglas and Marie Buck), following the boundary of 138-1-38.1 to the center line of NYS Route 17, thence northwest along the western boundary of 138-1-3.4 (currently owned by F. S. Lopke Contracting) to a point in the center of Smith Creek.

Thence following the center line of Smith Creek in a westerly direction to a point falling on the center line of the Susquehanna River, also known as the town boundary between the Town of Nichols and the Town of Tioga. Thence along that boundary to the point of beginning.

Note that on the Zoning Map, this zone appears as two areas because NYS Route 17 bisects the zone.

Section 138 (B-A-R)

Beginning at a point on the easterly edge of NYS Route 17 at the westerly corner of 138-1-38.1 (currently owned by Douglas and Marie Buck), thence in a southwesterly direction to the center of the junction with Stanton Hill Road. Thence in an easterly direction along the center line of Stanton Hill Road to the junction with the center line of Hunt Creek Road, a distance of approximately 640 feet.

Thence south to a point which is coincident with the southeasterly corner of 138-1-2 (currently owned by William and Betty Haner), thence following the boundary of 138-1-2 across NYS Route 17 to the center of Smith Creek, thence following the center line of Smith Creek in an

NICHOLS CODE

easterly direction to the southwesterly boundary of 138-1-3.4 (currently owned by F. S. Lopke Contracting), thence in a southeasterly direction along the boundary of 138-1-3.4 to the point of beginning.

Note that this appears on the Zoning Map to be two areas because NYS Route 17 bisects this zone.

Section 158 (B-A-R)

Beginning at a point in the center of West River Road which is coincident with the southeasterly corner of 158-1-10 (currently owned by the Town of Nichols), thence in a northerly direction to the center of the Susquehanna River, which is also the boundary between the Town of Nichols and the Town of Tioga.

Thence in an easterly direction along the center line of the Susquehanna River to a point in line with the westerly boundary of 158-1-13, then south along that westerly boundary of 158-1-13 (currently owned by Lee and E. Vanetta Butters), to a point in the center line of West River Road, thence in an easterly direction along said center line to a point coincident with the northeasterly corner of 158-1-57 (currently owned by Robert and Lois Bean), thence south along 158-1-57 to the southeasterly corner of 158-1-57.

Thence in a westerly direction along the northern boundary of NYS Route 17 to the center line of Davenport Hill Road, thence in a northerly direction along the center line of Davenport Hill Road to a point of juncture with West River Road. Thence westerly along the center line of West River Road to the point of beginning.

Section 159/170 (B-A-R)

Beginning at a point coincident with the northwesterly corner of 159-1-13, thence southerly along the westerly boundary of 159-1-13, 159-1-12, and 170-1-1 (currently owned by Gerald and Inez Leasure) to a point in the center of Leasure Hill Road, thence in a northeasterly direction to a point in the center of Sacketts Creek Road.

Thence in a southerly direction along the center of Sacketts Creek Road approximately 1,415 feet to a point coincident with the southwesterly corner of 170-1-1, thence in an easterly direction approximately 150 feet to the southeasterly corner of 170-1-1, thence in a northerly direction approximately 2,000 feet to a point, thence in an easterly direction along the northerly boundary of 170-1-4 to a point coincident with the southwesterly corner of the Village of Nichols.

Thence in a northerly direction along the easterly boundary of 159-1-4, to the center line of NYS Route 282, thence westerly to the southerly side of NYS Route 17, thence southwesterly along the northerly boundary of 159-1-13 to the point of beginning.

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Section 169 (I-A-R)

Beginning at a point on the center line of Coryell Road, which is coincident with the northeasterly corner of 169-1-25 (currently owned by Francis and Pauline Bean), thence in a westerly direction along the center line of Coryell Road to a point coincident with the northwesterly corner of 169-1-24 (currently owned by Bill and Mary Ellen Middleton), thence in a southerly direction along the westerly boundary of 169-1-24 to its southwesterly corner.

Thence in an easterly direction along the southerly boundary of 169-1-24, 169-1-26, and 169-1-28 to a point coincident with the southeasterly corner of 169-1-28 (currently owned by Robert and Lois Bean), thence in a northerly direction along the easterly boundary of 169-1-28, 169-1-26, and 169-1-25 to the point of beginning.

Section 170 (B-A-R)

Beginning at a point in the center line of NYS Route 282 which falls on the southerly boundary of the Village of Nichols to a point 300 feet east of the easterly edge of Route 282, thence continuing in a southeasterly direction 300 feet from the easterly edge of Route 282 to a point falling on the southerly boundary of 170-2-24 (currently owned by Barbara Ann Mead), that point being 300 feet from the easterly edge of Route 282.

Thence directly west along the southerly boundary of 170-2-24 and on the western side of Route 282 beginning at the southern boundary of 170-2-72 (currently owned by Marguerite Maurer) to a point on that boundary 300 feet from the westerly edge of Route 282. Thence in a northwesterly direction maintaining a distance of 300 feet from the westerly edge of Route 282, to a point falling on the southerly boundary of the Village of Nichols, thence in an easterly direction along the southern boundary of the Village of Nichols to the point of beginning.

Section 149.13 (R)

Beginning at a point in the center line of East River Drive, thence southeast along 149.13-4, -6, -7, -8, -9, -10, -11, and -12 to the northeasternmost point of 149.13-12 (currently owned by Kevin and Carol Livermore). Thence south along the easterly boundary of 149.13-12 and -13 to the southeasterly corner of 149.13-13 (currently owned by David Natwick).

Thence westerly along the southern boundary of 149.13-13 and -14 to the southwesterly corner of 149.13-14 (currently owned by Charles and Arlene McClafferty). Thence southwesterly along the easterly boundary of 149.13-17, -18, -19, -20, 21, -22, and -23 to the southeasterlymost part of 149.13-23, thence west along the southerly boundary of 149.13-23 and -24 to the point of intersection with 149.13-41, thence north along the easterly boundary of 149.13-41 and -42 to the northeasternmost part of 149.13-40, thence in a westerly direction to the center line of East River Drive, thence in a northerly direction to the point of beginning.

NOTE: Property owners' names in the forgoing descriptions, where given, are those reflected on the 1989 Final Assessment Roll, dated 6-21-1989.

Town of Nichols ZONING MAP



