

**INTERIM ZONING ORDINANCE**

**TOWN OF ASHLAND**

**JUNE 10, 1975**

# **INTERIM ZONING ORDINANCE**

## **TOWN OF ASHLAND**

An ordinance regulating and restricting the location, construction and use of buildings and structure and the use of land in the Town for the said purpose of dividing the Town into districts.

The Town Board of the Town of Ashland in the County of Greene, under the authority of Section 261 of the Town Law of the State of New York, hereby ordains, enacts and publishes as follows:

### **ARTICLE I**            **PURPOSE**

The purpose of this ordinance is to protect the health, safety and welfare of the inhabitants of the Town of Ashland from hazards due to periodic flooding and to allow the Town to qualify for flood insurance under federal legislation.

### **ARTICLE II** **DEFINITIONS**

- A. **DWELLING UNIT** means any structure used solely for human habitation, that is, used for either eating, sleeping, or living, on a temporary or permanent basis.
- B. **FLOOD OR FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of streams, rivers, or other inland areas of water or (b) abnormally rising lake waters resulting from severe storms or hurricanes.
- C. **FLOODPROFING** means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water, and sanitary facilities, structures, and contents or buildings.
- D. **PERMIT** means a written approval from the duly authorized Code Enforcement Officer of the Town to construct or alter a structure or building.
- E. **SPECIAL FLOOD HAZARD AREAS** means that maximum areas of the flood plain that, on the average, is likely to be flooded once every 100 years. (i.e. that has a one (1) percent chance of being flooded each year — “100 year flood”).
- F. **STRUCTURE** means anything that is constructed or erected on or under the ground or upon another structure or building.

- G. USE means anything that is constructed or erected on or under the ground or upon another structure or building.
1. CONFORMING USE: means any activity or purpose which agrees with the regulations set forth in this ordinance as permissible.
  2. NON-CONFORMING USE: means the use of land or structure thereon, or both, shall not be considered a violation of this ordinance provided that such use is in existence on the effective date of this ordinance. However, no structural extension or addition shall be erected in the flood plain area unless in conformity with the provisions of the flood proofing measures of the Flood Plain Act of this ordinance.

### **ARTICLE III**            **ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

#### **301**    **ZONING MAP AND DISTRICTS**

The zoning map officially entitled Town of Ashland Zoning Map is hereby adopted as part of this ordinance. The Town of Ashland zoning map shows a division of the Town into the following districts.

##### **301.1**    **COPIES OF ZONING MAP**

Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map, which shall be located in the Town Clerk's office shall be the final authority as to the current zoning status of the land and water areas, building, and other structures in the Town of Ashland.

#### **302**    **ESTABLISHMENT OF DISTRICTS**

In furtherance of the purpose of this ordinance, the following districts are established.

##### **302.1**    **SPECIAL FLOOD HAZARD DISTRICT**

Consists of an area of land subject to periodic but infrequent flooding of the magnitude of a 100-year flood. This area comprises the maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years.

### **302.2 CONSTRUCTION IN THE SPECIAL FLOOD HAZARD DISTRICT**

- A. New or replacement water supply systems shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- B. On-site waste disposal systems shall be located so as to avoid impairment of or contamination from the systems during flooding.
- C. When the evaluation of the 100 year flood has been provided by the Federal Insurance Administration, residential structures shall have the lowest habitable floor elevated to at least one (1) foot above the 100-year flood.
- D. New construction must be anchored to prevent flotation, collapse, or lateral movement due to flood water related forces.
- E. Construction materials and utility equipment used shall be resistant to flood damage.
- F. Construction methods and practices used will minimize flood damage.
- G. Subdivision proposals are designed to minimize flood damage, adequate drainage is provided to reduce exposure to flood hazards, and public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
- H. When the elevation of the 100-year flood has been provided by the Federal Insurance Administration, non-residential structures shall have the lowest habitable floor elevated to at least one (1) foot above the 100-year flood, or together with attendant utility and sanitary facilities, shall be flood-proofed to at least one (1) foot above the 100-year flood.

### **302.3 NON-HAZARD DISTRICT**

The non-hazard district consists of the area of land outside of the boundaries of the designated special flood hazard districts. This area consists of land which has a relatively small chance of being affected by periodic but infrequent flooding of the magnitude of a 100-year flood, as a result of hydrologic conditions, topography, elevation, soil conditions and/or manmade or natural flood water-course barriers.

**ARTICLE IV**            **GENERAL REGULATIONS**

**401**    **BUILDING PERMIT REQUIREMENT**

- A.    No building shall hereafter be erected, relocated, or altered as to outside dimension or so to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued. This shall apply to all new construction and all substantial improvements to existing structures, the cost of such improvement constituting greater than fifty-percent (50%) of the value of any such existing structure so being improved.
  
- B.    For purposes of this ordinance, mobile homes, modular homes, or any other structure permanently affixed to a foundation shall be a “building” as designated by this section.
  
- C.    Permits will not be necessary for minor repairs, such repairs being defined as any improvement to an existing structure, the cost of such improvement constituting less than fifty percent (50%) of the value of any such existing structure so being improved, unenclosed patios, painting, plumbing, water wells and new roofs.

**402**    **BUILDING PERMIT ISSUANCE**

The Code Enforcement Officer shall act upon all applications for building permit within ten (10) days from the day of application. Such official shall issue or refuse to issue such permits.

**403**    **APPLICATION PROCEDURE**

- A.    Any application for a building permit shall state the following:
  - A.    Name and address of applicant
  - B.    Location of proposed building
  - C.    Description of proposed building (swelling, equipment shed, barn, garage, etc.)
  
- A.    Upon receipt of the application, the Code Enforcement Officer shall determine if the location of such proposed building falls within the special flood hazard district.
  
- B.    If such proposed construction is within the delineated boundaries of the special flood hazard district, then the provisions of Section 302.2 of this ordinance shall apply before any such building permit shall be issued.
  
- C.    If such proposed construction is outside the delineated of the special flood hazard district, then the Code Enforcement Officer shall issue a building permit pursuant to Section 402 of this ordinance.

**404**    **SPECIAL PERMITS**

Building permits shall be issued for construction without meeting the standards set forth in Article III provided that the applicant shall submit the following:

- A. A statement by a registered professional engineer that the flood-proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area.
- B. A statement from a registered professional engineer or licensed surveyor that the area in which construction is proposed is not subject to flood hazards as set out in the district boundary maps. Such a statement shall cite hydrological, soil, elevation, historical and other technical data sufficient to support such a claim of exemption from the building standards as set forth in Section 302.2 of this ordinance.
- C. A legal description of the property, a sketch map showing the property and all properties within a radius of 100 feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed construction and other drawings or information necessary to an understanding of the proposed building and its relationship to surrounding properties.

## **ARTICLE V            ADMINISTRATION**

### **500    ENFORCEMENT**

This ordinance shall be enforced by the Code Enforcement Officer who shall be appointed by the Town Board. In the case of vacancy of the Office of Code Enforcement Officer, the Supervisor shall be the acting inspector. No building permit or certificate of occupancy shall be issued by him except where all the provisions of this ordinance have been complied with.

### **501    SCHEDULE OF FEES**

**\$25.00**

### **502    BOARD OF APPEALS**

#### **502.1   CREATION, APPOINTMENT, AND ORGANIZATION**

A Board of Appeals is hereby created in accordance with Section 267 of the Town Law. Said Board shall consist of five (5) members. The town Board shall appoint a chairman and the Board of Appeals shall appoint a secretary and shall prescribe rules for the conduct of its affairs.

#### **502.2   POWERS AND DUTIES**

A Board of Appeals shall have all the power and duties prescribed by law and by this ordinance which are more particularly specified as follows:

- A. **INTERPRETATION:** Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
  
- B. **SPECIAL PERMITS AND VARIANCES** The Zoning Board of Appeals shall be empowered to issue special permits and to allow variances under conditions set forth in this ordinance.

### **502.3 VARIANCES**

- A. Where the enforcement of the provisions of this ordinance would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the structure to meet the standards of Section 302.2, the applicant for such a permit may appeal from the decision of the Code Enforcement Officer to the Zoning Board of Appeals.
  
- B. The Zoning Board of Appeals shall consider such an appeal at a public hearing. Notice of said hearing shall be given in accordance with provisions of law. A decision granting or refusing to grant a building permit to the applicant shall be given in writing within sixty (60) days of such appeal hearing.

### **503 VIOLATIONS**

- A. Violations of this ordinance shall be subject to the provisions of applicable law. Upon determination by the Enforcement Officer that a violation exists, written notice shall be sent to the last known owner of the property. Such notice shall state the specific provision in violation and that action is to be taken by said owner to remove such violation within twenty (20) days; or proceedings to compel compliance with this ordinance will be instituted.
  
- B. A violation of this ordinance is an offense punishable by a fine not exceeding \$100.00, or by imprisonment for not more than one (1) month, or by such fine and imprisonment.
  
- C. Violations of this ordinance shall be deemed to be a separate and distinct violation.