

Be it enacted by the TOWN BOARD of the Town of BUSTI, CHAUTAUQUA County,
New York as follows:

Local Law No. 2 for the year 1995 of the Town of Busti, County of Chautauqua and State
of New York.

LOCAL LAW TO AMEND ARTICLE 91 OF
THE BUSTI TOWN CODE ENTITLED
"TOWN OF BUSTI ZONING CODE"

Be it enacted by the Busti Town Board as follows:

Article 1:

Title. The title of this local law shall be entitled A Local Law to amend Article 91
of the Busti Town Code entitled "TOWN OF BUSTI ZONING CODE."

Article 2:

Purpose. The purpose of this local law is to amend the Town of Busti Zoning
Code, adopted by the Town Board of the Town of Busti as Local Law No. 2 for the year
1983, and as thereafter amended, to insure the more efficient administration of planning
and zoning in the Town of Busti.

Article 3:

Amendments. The Town of Busti Zoning Code, adopted by the Town Board of
the Town of Busti as Local Law No. 2 for the year 1983, and as thereafter amended, and
known as Article 91 of the Town Code of the Town of Busti, is hereby amended as
follows:

(a). Section 91-602. Special Use Permits for the Town of Busti Zoning Board of
Appeals, subsection 3 is hereby amended to read as follows:

3. Customary home occupations: Customary home occupations shall be allowed
in the CA and CAMP District by securing a special permit from the Zoning Board of
Appeals of the Town of Busti, provided that:

A. Such occupation is carried on in a residential dwelling unit or a
building or other structure accessory to such dwelling unit; and

B. Such occupation is carried on by a member of the family residing in the
dwelling unit; and

C. Such occupation is clearly incidental and accessory or secondary to the
use of the dwelling unit for residential purposes; and

D. Such occupation is carried on in accordance with the following
conditions:

(1). No exterior sign, except that placed pursuant to a permit issued under Section 91-804 of this Local Law, shall be placed on the premises; and

(2). No exterior storage of materials and no exterior indication of the home occupation or profession or variation of the residential character of the principal building shall be allowed; and

(3). The occupation or profession shall be carried on solely within the principal building or within a building or other structure accessory thereto; and

(4). Not more than two persons outside the family shall be employed in a home occupation; and

(5). No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced; and

(6). Off-street parking sufficient to serve all persons availing themselves of the home occupation shall be provided by the applicant.

(b). Section 91-602. Special Use Permits for the Town of Busti Zoning Board of Appeals, Section 3.1, is hereby amended to read as follows:

3.1 Home enterprise occupation: Home enterprise occupations shall be allowed in the CA District by securing a special permit from the Zoning Board of Appeals of the Town of Busti, provided that:

A. Such occupation is carried on in a residential dwelling unit or a building designated for such occupation located on the same lot as the dwelling unit and is not more than 1500 square feet in size;

B. Such occupation is carried on by a member of the family residing in the dwelling unit;

C. Such occupation is clearly incidental and accessory or secondary to the use of the dwelling unit for residential purposes;

D. Such occupation is carried on in accordance with the following conditions:

(1). No exterior sign, except that placed pursuant to a permit issued under Section 91-804 of Town of Busti Zoning Code shall be placed on the premises; and

(2). No exterior storage of materials and no exterior indication of the home occupation or profession or variation of the residential character of the building or lot shall be allowed; and

(3). Not more than two persons outside the family shall be employed in a home occupation; and

(4). No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced; and

(5). Off-street parking sufficient to serve all persons availing themselves of the home occupation shall be provided by the applicant; and

(6). The home enterprise occupation shall be carried on a lot not less than two acres in size and having a minimum lot width of at least 250 feet;

E. The Zoning Board of Appeals may require, when requested by property owners owning property or persons residing within 1000 feet of the lot upon which the home enterprise occupation is to be carried on, that a visual barrier or landscaped screen be provided and maintained. This screen may be composed of plants and trees arranged to provide either a low-level or a high-level screen, or both. The high-level screen shall consist of trees planted with specimens no shorter than six foot and planted at intervals of not more than ten feet. The low-level screen shall consist of shrubs or hedges planted at an interval height of not less than two feet and spaced at intervals of not more than five feet. All plants not surviving three years after planting must be replaced.

Effective Date. This Local Law shall take effect immediately.

7/29/95