

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~

~~CITY~~

~~Town~~

~~Village~~

of Westerlo

Local Law No. 4 of the year 1992

A local law amending the zoning law

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

~~Town~~

~~Village~~

of Westerlo as follows:

Local Law #1, 1989 entitled "Town of Westerlo Zoning Law" is hereby amended as follows:

Part I

Section 6. DEFINITIONS

NON-CONFORMING USE - Use of land which does not comply with all regulations for the district in which it is located.

Section 7.80 NONCONFORMING USES

A. The use of any building or land existing at the time of the enactment of the Local Law may be continued although such use does not conform with the provisions of this Local Law subject to the following:

1. Expansions: A nonconforming use shall not be expanded/extended, except upon obtaining a variance from the Zoning Board of Appeals.

2. Abandonment: Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be required to be in conformity.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

3. Changes: Once changed to a conforming use, no building or land shall be allowed to revert to a nonconforming use.

B. All lots or parcels of land which are evidenced by a deed of record in the Albany County Clerk's Office prior to February 15, 1989 shall be deemed lawful lots and shall be deemed in conformance with the provisions of the Zoning Law of the Town of Westerlo, the Land Subdivision Regulations of the Town of Westerlo and the Resolutions of the Town Board delegating authority to the Planning Board to approve subdivisions, regardless of the size (area) or use of such lots or parcels. Such lots or parcels shall be required to conform to all other requirements of the Zoning Law as to any new structure, building, use or any extensions or expansions of an existing structure, building or use, unless granted a variance therefrom by the Zoning Board of Appeals.

The Planning Board shall hereby recognize any such lots or parcels created by deeds of record in the Albany County Clerk's Office prior to February 15, 1989 as lawful lots and in conformance with the various rules and regulations of the Town of Westerlo as referred to in the previous paragraph in the consideration of any subdivision application, regardless of the date of such application and regardless of the date of the recording of such deeds prior to February 15, 1989.

The Planning Board is hereby authorized to approve retroactively on terms and conditions which, in the exercise of its discretion, it deems appropriate, any subdivision of land which, contrary to law, has not been approved by the Planning Board (an "Unauthorized Subdivision").

C. The Town Board hereby declares that it is the policy of this Board that Unauthorized Subdivisions must seek formal approval of the Planning Board and in this regard it is hereby declared that it shall be the joint and several obligation of the current owners and any owners prior in title who improperly subdivided the property contrary to the laws and regulations of the Town of Westerlo to apply for subdivision approval effective immediately. The Town Board hereby declares that it will refrain from seeking any penalties to which it may be entitled against said present or prior owners if a proper subdivision application is filed and accepted by the Planning Board prior to February 28, 1994 and a diligent, good faith effort is made to obtain approval of said subdivision by the applicant.

D. In order to compensate for the additional administration that will be involved in processing and reviewing Unauthorized Subdivisions a surcharge is hereby assessed to be collected at the time of the filing of any Unauthorized Subdivision application, said fee to be in addition to any regular fee in effect at the time such application is made as follows:

ARTICLE 4. APPLICATION OF REGULATIONS:

1. Except as hereinafter provided, no building or structure shall be erected, constructed, reconstructed, moved, altered, or extended, and no land, building or structure or part thereof, shall be altered, occupied, or used unless in conformity with this Local Law and with the regulations specified for the district in which it is located.

ARTICLE 6. DEFINITIONS:

FRONT LOT LINE - The lot line which abuts upon a street or highway boundary, or private road. For a "Flag" lot, the lot line nearest and most parallel to the street, highway, or private road, and which does not directly abut the street, Flag, highway, or private road boundary.

LOT, FLAG - A lot which has limited road frontage but is regular in shape (generally 4-sided), except for a portion which consists of a narrow corridor of land no less than fifty (50') feet in width which connects the main area of the lot with a public street or highway or private road and which has at least fifty (50') of frontage on a public street or highway or, if a private road, one which has been approved by the Planning Board and appears on a filed subdivision plat. The lot, except for the corridor portion, shall have a width to depth or depth to width ratio of no more than 1 to 3.25. The land contained in the corridor connecting the main portion of the lot to the street or highway or private road shall not be considered in any computation of the minimum lot size required by the Zoning Law. The front lot line as defined for Flag lots shall conform to any minimum front lot line requirements in the Zoning Law. The width of the corridor may be used to calculate the length of the front line if said corridor intersects the front lot line.

Section 8.40. RURAL DEVELOPMENT/AGRICULTURAL DISTRICT:

1. Purpose and Intent: The purpose and intent of this zone is to encourage the development of residential, agricultural and commercial land used at densities compatible with the ability of the land to absorb such uses and to establish minimum site development standards for certain specified uses.

2. Uses Permitted By Right:

- a. one through four family dwelling, all of which must be attached
- b. home occupations
- c. single mobile homes
- d. solar energy systems
- e. full or part-time agricultural or forestry uses
- f. any educational or religious use involving less than 50 people

3. Uses Permitted Upon Obtaining Site Plan Approval and Special Use Permit:

- a. travel trailer parks and camp grounds
- b. mobile home parks
- c. all commercial uses
- d. multiple family dwellings of five or more units all of which must be attached, including homes for the aged
- e. essential services
- f. airport strips, airports, heliports
- g. recreational
- h. excavation
- i. any medical, educational, religious, or research use
- j. excavating and construction contractors

4. All other uses are hereby expressly prohibited, except upon amendment of the Zoning Law by the Town Board.

MINIMUM LOT STANDARDS:

A. **SINGLE DWELLING:** Minimum lot acres per single family dwelling units or single mobile homes shall be three (3) acres. No more than one dwelling unit or mobile home shall be constructed or placed upon one lot, nor shall any such dwelling unit or mobile home be located closer than fifty (50') feet from front lot line of any street or road. No building shall be more than two and one-half (2 1/2) stories, not to exceed thirty-five (35) feet in height.

MINIMUM SET BACK AND FRONT LOT LINE ("FRONTAGE"):

Minimum Frontage:	200 ft.
Front Yard Minimum:	50 ft.
Side Yard Minimum:	50 ft.
Rear Yard Minimum:	50 ft.

B. **TWO-FAMILY AND MULTIPLE DWELLING:** A two-family dwelling shall be constructed on a minimum of five (5) acres. For each additional dwelling units the minimum lot size over and above five (5) acres shall be increased by a ratio of forty (40) sq. ft. of land for each sq. foot of finished living area, excluding specifically the cellars and garage area. No building shall be more than two and one-half (2 1/2) stories, not to exceed thirty-five (35') in height and shall provide two and one-half (2 1/2) parking spaces per dwelling unit. No building shall be located closer than fifty (50') feet from front lot line of any street or road.

MINIMUM SET BACK AND FRONT LOT LINE ("FRONTAGE"):

Minimum Frontage:	200 ft.
Front Yard Minimum:	50 ft.
Side Yard Minimum:	50 ft.
Rear Yard Minimum:	50 ft.

C. **ALL OTHER PERMITTED USES:** Any other permitted uses shall be constructed on a minimum of three (3) acres. The maximum building coverage for all development, excluding parking area shall not exceed thirty (30%) percent of the gross land area of any single lot or other development site as a whole and twenty (20%) percent of gross land area shall remain forever green or natural. No building shall be more than two and one-half (2 1/2) stories, not to exceed thirty-five (35') feet in height. No building shall be located closer than one hundred (100') feet from front lot line of any street or road.

MINIMUM SET BACK AND FRONT LOT LINE ("FRONTAGE"):

Minimum Frontage:	300 ft.
Front Yard Minimum:	100 ft.
Side Yard Minimum:	100 ft.
Rear Yard Minimum:	100 ft.

Section 8.50. RESIDENTIAL HAMLET DISTRICT:

1. **Purpose and Intent:** The purpose and intent of this zone is to recognize established areas where residential and commercial uses are intermixed and lots are small.

2. **Uses Permitted by Right:**

- a. One and two family dwellings excluding however, mobile homes
- b. solar energy systems
- c. home occupations
- d. any education or religious activities involving less than 50 people

3. **Uses Permitted Upon Obtaining Site Plan Approval and Special Use Permit:**

- a. retail commercial uses (example: retail businesses, auto service station, banks, restaurants, inns and motels)
- b. essential services

c. medical, educational and religious

4. All other uses are hereby expressly prohibited, except upon amendment of this Zoning Law by the Town Board.

MINIMUM LOT STANDARDS:

A. SINGLE-FAMILY DWELLING:

Minimum lot size for residential use shall be 32,670 square feet. Depending on soil conditions and well location, minimum lot size and have to be increased in order to comply with Health and Sanitary Regulations. No building shall be located closer than fifty (50') feet from front lot line of any street or road. No structure shall be more than two and one-half (2 1/2) stories, not to exceed thirty-five (35) feet in height.

MINIMUM SET BACK AND FRONT LOT LINE ("FRONTAGE"):

Minimum Frontage:	100 ft.
Front Yard Minimum:	50 ft.
Side Yard Minimum:	30 ft.
Rear Yard Minimum:	30 ft.

B. ALL OTHER PERMITTED USES:

All other permitted uses in a residential hamlet district shall have a minimum lot size of 32,670 square feet. No structure shall be located closer than fifty (50') feet from front lot line of any street or road. No building shall be more than two and one-half (2 1/2) stories, not to exceed thirty-five (35) feet in height.

MINIMUM SET BACK AND FRONT LOT LINE ("FRONTAGE"):

Minimum Frontage:	150 ft.
Front Yard Minimum:	50 ft.
Side Yard Minimum:	30 ft.
Rear Yard Minimum:	30 ft.

Section 8.60. LIGHT INDUSTRIAL DISTRICT:

1. Purpose and Intent: This district provides for the establishment of facilities, warehousing and related activities of an industrial nature whose activities do not, in their normal use, constitute a fire hazard or emit smoke, glare, noise, odor or dust, which does not extend or impact beyond the lot lines or boundaries of the premises, or impact negatively on the aquifer or on the environment in general or impact in any other ways which constitute a nuisance or detriment to neighboring properties and to public health, safety or the general welfare.

2. Uses Permitted By Right: NONE.

3. Uses Permitted Upon Obtaining Site Plan Approval and Special Use Permit:

a. Any assemblage of manufactured components to a finished product.

MINIMUM LOT STANDARDS:

Minimum lot size shall be five (5) acres. No structure shall be located closer than one hundred (100') feet from front lot line of any street or road. No structure shall be more than two and one-half (2 1/2) stories, and not to exceed thirty-five (35') feet in height.

MINIMUM SET BACK AND FRONT LOT LINE ("FRONTAGE"):

Minimum Frontage:	500 ft.
Front Yard Minimum:	100 ft.
Side Yard Minimum:	100 ft.
Rear Yard Minimum:	100 ft.

Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter herein which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ...1... of 19 92....
of the Town of ...WESTERLO... was duly passed by the ...TOWN BOARD...
(Name of Legislative Body)
on ...JULY 7... 19 92... in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19, in accordance with the applicable
annual provisions of law.

(Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 19
in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such is vested with power to approve or veto local laws or ordinances.