

Local Law Filing

New York STATE DEPARTMENT OF STATE
41 STATE STREET, 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 of Baxter Estates
Village

Local Law 1 of the year 2022

(Insert Title)

A local law amending Chapter 175, "Zoning," of the Code of the Village of Baxter Estates, by adding Section 175-18.2, prohibiting Certain Uses of and Activity upon Roof area.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City
Town of Baxter Estates
Village

Section 1. Legislative Findings. The Board of Trustees of the Village of Baxter Estates has determined that restricting certain uses and activity, including use as outdoor living space, on the roofs of single family homes promotes the health, safety and welfare of the Village and its residents. The Board recognizes that the use of roofs for outdoor living space can adversely impact the neighbors and the community through visual and noise intrusions and intrusions into the expectations of privacy for the owners and occupants of such dwellings. The Board notes that the predominant type of home in the Village's single family zoning district does not utilize flat roofs, but rather roofs that do not readily accommodate outdoor occupancy. Therefore, the Village has not previously addressed such a use. Recent construction in the Village involving flat roofs on single family residences has presented the issue to the Board, and has led the Board to amend the Zoning Code to restrict such use.

Section 2. Authority. This local law is adopted pursuant to the New York State Municipal Home Rule Law.

Section 3. Article II, "Residence A Districts," of Chapter 175, "Zoning," of the Code of the Village of Baxter Estates, is hereby amended to add a new Section 175-18.2, entitled "Restrictions on Use of Roof Area," to be added immediately after the end of existing § 175-18.1, entitled "Impervious Surface," , to read in its entirety as follows:

"§ 175-18.2 Restrictions on Use of Roof Area.

Except as hereinafter provided, no open porch shall extend from the roof of any building, and no roof area on any building shall be used as habitable space or as outdoor recreational space or for any purpose that involves the presence of any person on such roof, except for construction, maintenance and repair purposes; provided, however, that nothing herein shall restrict the use for outdoor recreational space of any flat roof over a one-story garage that is attached to a two story building, or any open porch projecting from the outside wall of a building on the first or second story of the building."

Section 4. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the (County)(City)(Town)(Village) of Baxter Estates was duly passed by the Board of Trustees on March 2, 2022, in accordance with the applicable provisions of law.
(Name of Legislative body)

2. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (not approved) _____ (Name of Legislative body) (re-passed after disapproval) by the _____ and was deemed duly (Elective Chief Executive Officer¹) adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ (Name of Legislative Body) and was (approved)(not approved) (re-passed after disapproval) by the _____ (Elective Chief Executive Officer¹) on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (Name of Legislative Body) (approved)(not approved) (re-passed after disapproval) by the _____ (Elective Chief Executive Officer¹) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the _____

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

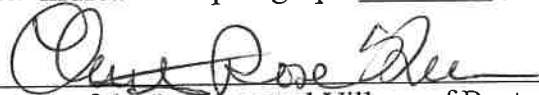
Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. — (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 , above.


Clerk of the Incorporated Village of Baxter Estates

(Seal)

Date: 3/16/2022