

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

FILED
STATE RECORDS
MAR 13 2020

Local Law 1 of the year 2020

DEPARTMENT OF STATE

(Insert Title)

A local law to amend Section 175-46, "Off-street parking," of Article IV, "Business A Districts," of the Code of the Village of Baxter Estates to permit the continuation of certain nonconforming conditions relating to off-street parking in Business A zoning district.

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 finds that the best interests of the Village and its residents are served by amending Section 175-46, "Off-street parking," in Article IV, "Business A Districts," of Chapter 175, "Zoning," of the Village Code in order to permit as of right the continuation of certain nonconforming conditions relating to off-street parking in Business A Zoning District. The Village Building Department has to this point construed the current version of Section 175-46 to require a zoning variance for a proposed change in permitted use at or in a building or structure that does not satisfy the off-street parking requirement for such use under the Code, even if the building or structure and lot, and the existing off-street parking capacity associated therewith, is not proposed to be changed or altered. The Board finds that to require submission to the zoning variance process for such a change in permitted use, with no alteration or extension, that otherwise complies with

applicable zoning requirements, is wasteful of Village and property owner time and resources for no apparent benefit to the Village or its residents. Moreover, the Board notes that many of the buildings and structures in the Village's Business A Zoning Districts were constructed prior to the adoption of the current version of Section 175-46, and have little or no off-street parking. As a result, in almost all instances in which there is a change in the occupancy of a commercial property along Main Street or Shore Road in the Village, it is necessary for the property owner and the Village to engage in the zoning variance process for the shortfall in required off-street parking, even though municipal parking facilities and on-street parking is available in, or in close proximity to, the Village's Business A Zoning Districts.

The Board finds that insufficient off-street parking for a proposed change to another permitted use that is accompanied by a proposed alteration or enlargement that would create additional floor area in any building or structure on the relevant lot, or with respect to a lot which itself has been altered, does warrant a review by the Board of Appeals and an opportunity for the public to be heard. However, insufficient off-street parking for a change to another permitted use not accompanied by a proposed change in the lot's dimensions, or increase in floor area should not require the expense of time, effort and money by the property owner, occupant and Village associated with a zoning variance application.

Section 2. Legislative Authority. This local law is adopted pursuant to authority granted to the Board of Trustees under the New York State Constitution and the laws of the State of New York, including, without limitation, New York State Municipal Home Rule Law §10.1., sub-clauses (i) and (ii)a.

Section 3. Amendment of Village Code. Section 175-46, "Off-street parking," of Article IV, "Business A District", of Chapter 175, "Zoning," of the Code of the Village of Baxter Estates is hereby amended to include a new clause "G.," to be inserted at the end of existing clause "F.," said clause "G." to read in its entirety as follows:

"G. Notwithstanding any contrary provision contained in this Article IV, the off-street parking spaces required under this Section 175-46 shall be deemed satisfied with respect to any proposed change in the use or occupancy of any building or structure located in any Business A District to another use or occupancy permitted under this Article, provided that (i) the floor area of the buildings and structures on the relevant lot do not exceed the floor area thereof as it exists at the date of adoption of this Clause "G."; (ii) the number of off-street parking spaces on such lot are not fewer than the number of off-street parking spaces on such lot as of the date of adoption of this Clause "G."; and (iii) the lot, since the date of adoption of this Clause "G.", has not been the subject of a subdivision, lot line alteration or adjustment or other action that alters the lot area."

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 2020 of the (County)(City)(Town)(Village) of Baxter Estates was duly passed by the Board of Trustees on March 5, 2020, 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.

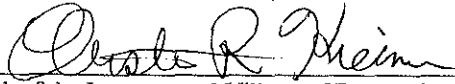
Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

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: March 9, 2020