

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 LIVINGSTON
Village

Local Law No. 1 of the year 2015..

A local law shall be known as "A local law to amend and supersede as
(Insert Title)
applicable the zoning map of the Town of York as officially
adopted to create a Wind Overlay Zone pursuant to Article VI
of the Zoning Ordinance of the Town of York."

Be it enacted by the YORK TOWN BOARD of the
(Name of Legislative Body)

County
City
Town of YORK as follows:
Village

"See attached documentation"

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

LOCAL LAW NO. 1 OF THE YEAR 2015

OF THE TOWN OF YORK

A local law to amend and supersede as applicable the zoning map of the Town of York, Livingston County, New York, as officially adopted to create a Wind Overlay Zone pursuant to Article VI of the Zoning Ordinance of the Town of York.

Be it enacted by the Town Board of the Town of York as follows:

SECTION 1. TITLE AND SCOPE.

This local law shall be known as *"A local law to amend and supersede as applicable the zoning map of the Town of York as officially adopted to create a Wind Overlay Zone pursuant to Article VI of the Zoning Ordinance of the Town of York."*

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of York, and to implement the provisions of the Comprehensive Plan of the Town of York. This Local Law regulates the location, construction, alteration and use of buildings and structures and the development and use of land within the Town of York.

B. To these ends, this local law and the zoning map that it amends and supersedes as applicable is designed to:

1. Balance various forms of development that are desirable by the public while protecting the rural character of the Town;
2. Protect and encourage farming and agriculture and related businesses, which are the dominant land uses in York;
3. Protect property values by regulating uses, buildings and structures that may impact the character of the Town and affect neighboring properties; and
4. Minimize conflicts among the various land uses, both now and in the future.

SECTION 3. AMENDMENTS TO OFFICIAL ZONING MAP REFERENCED IN ARTICLE III. ZONING DISTRICTS.

Article III, section 301 provides that the Town of York shall from time to time amend its official Zoning Map, which said amendments shall be duly adopted by the Town Board and become a part of the Zoning Ordinance of the Town of York.

SECTION 4. FINDINGS.

A. The property for which a Wind Overlay Zone is being requested is known as Tax Identifier Map Parcel Number 41.-1-12.121, also known and identified as 2275 Main Street, Town of York, County of Livingston and State of New York.

B. The property for which a Wind Overlay District is being requested is located within an Agriculture District as per the zoning classification established by Article IV, Section 400 of the Zoning Ordinance of the Town of York.

C. A specific request for a special use permit has been received from the owner of the property known as Tax Identifier Map Parcel Number 41.-1-12.121, also known and identified as 2275 Main Street, Town of York, County of Livingston and State of New York, to place a Wind Energy Conversion System upon such property.

D. A request to create a Wind Overlay Zone has been received from the owner of the property known as Tax Identifier Map Parcel Number 41.-1-12.121, also known and identified as 2275 Main Street, Town of York, County of Livingston and State of New York.

SECTION 5. CREATION OF WIND OVERLAY ZONE PURSUANT TO ARTICLE VI. USE SPECIFIC REGULATIONS SECTION 617 E.

Pursuant to the authority granted to the Town Board under Article VI, Section 617 E, the official Zoning Map of the Town of York shall be amended as follows:

A. A Wind Overlay Zone is hereby created pursuant to Article VI, Section 617 E to encompass the entirety of the parcel known as Tax Identifier Map Parcel Number 41.-1-12.121, also known and identified as 2275 Main Street, Town of York, County of Livingston and State of New York.

B. Within the Wind Overlay Zone, all of the underlying land use district regulations shall remain in effect except as specifically modified by the provisions of Article VI, Section 617.

C. Any development of a Wind Energy Conversion System within the Wind Overlay Zone created hereby shall be required to have Site Plan Review and approval by the Planning Board (pursuant to Article VI, Section 617 D) and issuance of a special use permit prior to issuance of a building permit.

SECTION 6. INCORPORATION OF AMENDED OFFICIAL ZONING MAP INTO TOWN OF YORK ZONING ORDINANCE.

A. The Official Zoning Map of the Town of York as amended by this local law shall be incorporated into the Zoning Ordinance of the Town of York.

B. The Official Zoning Map of the Town of York as amended by this local law shall be on file in the Office of the Town Clerk.

SECTION 7. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of 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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ 1 of 20____ 15 of the (County)(City)(Town)(Village) of _____ York was duly passed by the York Town Board on March 12 20 15, and was (approved)(not approved)(repassed after disapproval) by the Supervisor and was deemed duly adopted on March 12 20 15, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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____, and was (approved)(not approved)(repassed after disapproval) by the _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 (approved)(not approved)(repassed after disapproval) by the _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

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 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 _____ 2____, above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: March 12, 2015

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Livingston

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

Attorney for the Town

County
City
Town of York
Village

Date: March 12, 2015