

03/13/24 T.B.

Resolution #71 of 2024

**RESOLUTION APPROVING THE AMENDMENTS TO SETBACK IN
204-4 DEFINITIONS**

Resolution by Mr. Riopko, seconded by Mr. Nagle

WHEREAS, setbacks are not currently defined in the Town of Horseheads Zoning Ordinance, therefore, they will be added to §204-4 Definitions, and

WHEREAS, at the January 10, 2024 meeting, resolution #8 of 2024 was duly adopted to refer this matter to the Zoning Board of the Town of Horseheads, the Chemung County Planning Board and all neighboring municipalities, and

WHEREAS, the Village of Horseheads responded return for local determination, and

WHEREAS, a public hearing was duly advertised in the Star-Gazette, the official newspaper of the Town of Horseheads on March 1, 2024, and

WHEREAS, said public hearing was duly held on March 13, 2024 at 7:00 P.M. at the Town Hall and all parties in attendance were permitted a opportunity to speak on behalf of or in opposition to said proposed amendment to §204-4 Definitions, or any part thereof, and

WHEREAS, this matter has been duly considered by the Town Board of the Town of Horseheads.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Horseheads, with regards to the Town of Horseheads Town Code, will amend the Town of Horseheads Zoning Ordinance Article II, Terminology, Setback in §204-4 Definitions.

Ayes: Riopko, Lewis, Zeigler and Nagle. Nays: None.

Respectfully submitted,



Cathy R. Wood
Town Clerk

Recommendation for Amendment to Setback in §204-4 Definitions

SETBACK

A space unoccupied by buildings, principal or accessory, except where intrusions are permitted by this Code.

SETBACK, FRONT

Space abutting a street right-of-way, access easement or private road, or a road by use either from which lot is addressed or from which the lot gains primary access, and extending the full width of the lot; and at the intersection of two public rights-of-way, space abutting each right of way extending the full width of the lot.

When width of right-of-way is known, measurement shall be from edge of right-of-way; when the width of the right-of-way is unknown, as in the case of a road by use, measurement shall be from the road center line, assuming a 50 feet width for the right-of-way and the additional the additional required front setback for the district shall be added to the requirements for computation of the front setback from road by use. (EG: Residence A zone front setback shall be computed by determining 25 feet from centerline and adding the 40 foot required setback for a total of 65 feet from the centerline of the road by use.

SETBACK, REAR

Space abutting property line and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot. If more than one rear setback is described, that setback being the farthest from the front setback is the required rear setback. All others well be treated as side setbacks. If more than one front setback exists, the Code Enforcement Officer shall establish the rear setback.

SETBACK, SIDE

Space abutting a property line, access easement or private road, or a road by use and generally between the required front and rear setback. Any setback not defined as a front or rear setback is a side setback.