

Local Law Filing

(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
(Select one.)

of Spring Valley

Local Law No. 14 of the year 2018

A local law Amending Chapter 255 (zoning) of the Village of Spring Valley Code to allow for
(Insert Title)
development of existing undersized lots under certain circumstances, and eliminating
requirement that parking within the front yard is prohibited

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

County City Town Village
(Select one.)

of Spring Valley as follows:

Please see attached pages.

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

(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. 14 of 20 18 of the (County)(City)(Town)(Village) of Spring Valley was duly passed by the Village Board of Trustees on September 20 20 18, 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. _____ 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 _____ and was deemed duly adopted on _____ 20 , 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 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 (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 _____ above.

Diana Montgomery

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

Date: October 1, 2018

(Seal)

A LOCAL LAW AMENDING CHAPTER 255 (ZONING) OF THE VILLAGE OF SPRING VALLEY CODE TO ALLOW FOR DEVELOPMENT OF EXISTING UNDERSIZED LOTS UNDER CERTAIN CIRCUMSTANCES, AND ELIMINATING REQUIREMENT THAT PARKING WITHIN THE FRONT YARD IS PROHIBITED

Section 1. Findings and Intent – The Village Board of the Village of Spring Valley finds that there are many undersized lots within the Village that pre-date the adoption of the zoning code. The Village Board further finds that owners of such undersized lots face an undue burden when seeking to develop their property in that the owner must seek variances from virtually every area requirements set forth in the zoning code in order to build, even if the proposed structure otherwise meets the setback, FAR and height requirements set forth in the Zoning Code. The Board further finds that the prohibition on parking in the front yard where the applicant otherwise meets the parking requirements of the code presents an undue burden to applicants. The Zoning Board of Appeals has routinely granted variances to allow for parking in the front yard (as defined in the Zoning Code) and therefore the Village Board believes it is in the best interests of the Village to allow parking in the front yard as a matter of right.

NOW, THEREFORE, IT RESOLVED, THAT THE VILLAGE BOARD HEREBY ADOPTS THE FOLLOWING AMENDMENTS TO ITS ZONING LOCAL LAW:

Amend Chapter 255 (Zoning) to add new section 255-

Existing Undersized Lots

1. This section shall only apply to residential districts.
2. Any lot held in single ownership whose area and/or width and/or depth are less than the specified minimum lot requirements of this Zoning Local Law for the residential district in which it is located, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
 - a. The proposed building meets the minimum yard (set back) dimensions, height and FAR requirements for such district; and
 - b. All other bulk requirements for that district are complied with.

Amend Chapter 255-30 as follows:

§ 255-30

Areas computed as parking spaces.

A.

Location. Areas which may be considered as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street, entrance and exit lanes or a driveway, except that no vehicle shall be parked or stored in any required fire lane. A driveway or parking area beyond a required front yard for a one-family or two-family residence may count as required parking spaces as determined by the Building Inspector, ~~one parking space~~. Where feasible, all driveways serving residential and nonresidential uses shall include an adequate turnaround area to eliminate the need for backing onto a public road.

Section 2. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.