

Local Law Filing

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NEW YORK STATE DEPARTMENT OF STATE

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STATE RECORDS

TOWN OF NAPLES

MAR 04 2022

LOCAL LAW 1 OF THE YEAR 2022

DEPARTMENT OF STATE

LOCAL LAW AMENDING THE "ZONING CHAPTER OF THE CODE OF THE TOWN OF NAPLES" by repealing sections of Chapter 132 of the Code of the Town of Naples.

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

Section 1: Short Title.

This Local Law shall hereafter be known as the "Naples Code Chapter 132 "Zoning" Amendment of 2022".

Section 2: Legislative Intent.

The purpose of this Local Law is to amend the Zoning Chapter to provide that the Town Zoning Map be determinate as to the boundaries of the zoning use districts of the Town.

Section 3: Legislative Authority.

This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York, with the procedural provisions of the MHRL controlling.

Section 4: Legislative Findings.

The Town Board determines that the Zoning Chapter should be amended to provide that the Town Zoning Map be determinate as to Zoning Use District boundaries and that the Zoning Chapter of the Town Code be amended accordingly.

Section 5. Legislative History

Local Law entitled "Local Law No. One of the year 1974, A Local Law Establishing Zoning Use Districts and Zoning Rules and Regulations" adopted by the Town Board of the Town of Naples on February 5, 1974 and as amended in its entirety by, Local Law No. Two of the Year 1997, further amended by Local Law No. One of the Year 1998, Local Law No. 2 of the Year 1999, Local Law No. 5 of the Year of 1999, Local Law No. 1 of the Year of 2003, Local Law No. 1 of the Year 2004, Local Law No. 6 of the Year 2005, Local Laws No. 2 , No. 6, No. 8 of 2006, Local Law No. 1 of the Year 2007, Local Laws No. 1, No. 2 , No. 3 of the Year of 2009, Local Law No. 4 of the Year 2010 and Local Law No. 4 of the Year 2013 together with such other amendments which have been adopted is hereby further amended so as to modify the Sections hereinafter set forth as provided.

Section 6: Provisions.

I. The following Sections of Chapter §132 “Zoning” of the Code of the Town of Naples are hereby repealed:

1. §132-10.1. District boundaries for Commercial Districts.
2. §132-10.2. District boundaries for Low-Density Residential Districts.
3. §132-10.3. District boundaries for Medium-Density Residential Districts.
4. §132-10.4. District boundaries for New York State Route 21/Cohocton Street NYS Rte. 53 Multiple Use District.
5. §132-10.5. District boundaries for Agricultural-Conservation District.
6. §132-10.6. District boundaries for Ravines at Reservoir Creek Planned Unit Development District.
7. §132-10.7. Industrial District (I-1).

II. §132-10. “District boundaries”, of Chapter 132. “Zoning” is amended in full to provide as follows:

§132-10. District boundaries.

The boundaries of the use districts established pursuant to §132-9 of this Chapter are as set forth on the Zoning Map of the Town of Naples as established pursuant to §132-11 of this Chapter and as interpreted pursuant to §132-12 of this Chapter.

III. §132-12. “Interpretation of Use District boundaries”, of Chapter 132. is amended in full to provide as follows:

Section 132-12. Interpretation of Zoning district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Center lines and right-of-way lines. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways, public utility easements or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a center line or right-of-way of such street, highway, public utility or watercourse is moved not more than 20 feet.

- B. Lot or boundary lines. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Parallel to lot or boundary lines. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
- D. District boundaries shall be determined by use of an accurate scale which shall be shown on the Zoning Map. In no instance shall a district boundary be set at less than the minimum lot depth required in the Schedule of Regulations which is set out as Attachment I to this Chapter.
- E. In the event of a questionable district boundary, the issue of the questionable boundary shall be referred to the Zoning Board of Appeals, and it shall, to the best of its ability, establish the exact boundary. Decisions by the Zoning Board of Appeals with respect to use district boundary interpretations shall be in writing and filed with the Town Clerk and the Town Code Enforcement Officer within then (10) days of such decision being made.
- F. The copy of the Zoning Map showing any such determinations under this section shall be on file at the office of the Town Clerk together with use district boundary interpretations made by the Zoning Board of Appeals.
- G. Precise use district boundary determinations made by the Zoning Board of Appeals in accordance with the above rules shall be considered final and conclusive and may only be altered by amendment of the Zoning Map by the Town Board or pursuant to Article 78 proceedings.
- H. Lots divided by zoning district lines. Where a lot is divided by a zoning district boundary line, the regulations for each respective district shall apply, except:
 - (1) In all cases where a lot in one ownership, other than a through lot, is divided by a district boundary so that 50% or more of such lot lies in the less restricted district, the regulations prescribed for such less restricted district shall apply to the more restricted portion of said lot for a distance of 30 feet from the zoning district boundary. For purposes of this Chapter, the more restricted zoning district shall be deemed that district which is subject to regulations which prohibit the particular use intended to be made of said lot or which regulations set higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.
 - (2) In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, the regulations applicable to the greater part of the lot shall be deemed to apply to the entire lot.

I. Buildings divided by zoning district lines. Where a district boundary line divides a building existing on the effective date of this section so that 50% or more of such building lies within the less restricted district, the regulations prescribed by this Chapter for such less restricted district (as defined in Subsection **H** above) shall apply to the entire building. Such provisions shall apply only if and as long as the building is in single ownership and its structural characteristics prevent its use in conformity with the requirements of each separate district.

IV. §132-13. Lots in two districts. Is hereby repealed.

V. The following is added to §132-11. "Official Zoning Map established:

D. Upon the adoption of any Local Law amending the Zoning Chapter which affects the boundary line(s) of any use district in the Town or the filing of any decision of the Zoning Board of Appeals which changes the location of any use district boundary, the Town Clerk shall, within twenty (20) days of such adoption or filing, refer the adopted Local Law or decision of the Zoning Board of Appeals to the Ontario County Planning Department for immediate modification of the Town Zoning Map to depict the subject change(s) thereto. In the event that the Ontario County Planning Department cannot for any reason make such modification to the Town Zoning Map, the Town Board shall take such action as is required to effectuate the modification to the Town Zoning Map as expeditiously as possible.

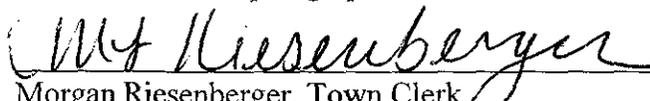
VI. The map attached to this Local Law, whether enlarged in size or reduced in size, is hereby designated as the Zoning Map of the Town of Naples and is further declared to be a part of the Zoning Chapter of the Code of the Town of Naples together with such future amendments thereto made by Local Law duly adopted or by interpretation by the Zoning Board of Appeals based upon a decision thereof duly filed with the Town Clerk.

Section 7: Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board of the Town of Naples.

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2022 of the Town of Naples, was duly passed by the Town Board on February 1, 2022 in accordance with the applicable provisions of law.

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.

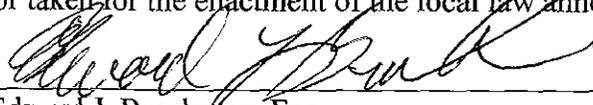

Morgan Riesenberger, Town Clerk

Date: February 15, 2022

(Seal)

STATE OF NEW YORK
COUNTY OF ONTARIO

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.



Edward J. Brockman, Esq.
Attorney for the Town of Naples
Date: February 15, 2022