

(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.

TOWN OF NAPLES

FILED
STATE RECORDS

MAY 18 2022

LOCAL LAW 2 OF THE YEAR 2022

DEPARTMENT OF STATE

Proposed LOCAL LAW AMENDING THE “ZONING CHAPTER OF THE CODE OF THE TOWN OF NAPLES” providing amendment to Local Law 1 of 2021 “Naples Zoning Chapter Multiple Use District Amendment of 2022”.

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 Zoning Chapter Multiple Use District Amendment of 2021”.

Section 2: Legislative Intent.

The purpose of this Local Law is to amend the Cohocton Street, New York State Route 53 Multiple Use District regulations by changing the District boundary to include the entirety of the Bob’s Alignment Property (tax map parcel 203.12-1-2.200) and the area of the Edgerton Property (tax map parcel 204.05-3-29.000) to include the area on which the party house is presently situate and to delete single family clusters as a permitted Special use in the multiple Use District.

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 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 5: Legislative Findings.

It is determined that the Cohocton Street corridor and part of New York Ste Route 53 in

the Town will benefit from creation of an appropriate mixed commercial /residential use district.

Section 6: Provisions.

The following Sections of Chapter §132 “Zoning” of the Code of the Town of Naples are amended as provided:

- I. Paragraph “2” of sub-section “D” of Section 132-26 is amended to delete sub-paragraph “g Single Family Clusters” and reletter the remaining sub-paragraphs of said paragraph “2”.
- II. Paragraph “A.” of §132-28 “Single Family Clusters” is amended to provide as follows:
 - A. Single Family Clusters consisting of single-family homes are permitted special uses in the AG District, subject to the following:
(no amendments to the sub-paragraphs are being made)
- III. Chapter 32, Attachment 1 – “Town of Naples Schedule of Regulations” is amended to repeal any references to the Cohocton Street Overlay District. The following dimensions are added to be applicable to the New York State Route 21 (Cohocton Street)/NYS Route 53 Multiple Use District (MU).
 - Minimum Lot Frontage: 60 feet
 - Front setback: 30 feet**
 - ** The frontline of the building shall remain in line with the rest of the buildings.
 - Rear setback: 25 feet
 - Side setbacks: 15 feet
 - Maximum lot coverage: 40%

Section “IV.” of Local Law 1 of 2021 Establishing the Multiple Use (MU) District pertaining to lot dimensions is repealed.

Section 5: Superseding Provisions

This Local Law shall supersede the provisions of Article 16 of the Town Law of the State of New York to the extent inconsistent with the same and to the extent permitted by the New York State Constitution or any other statute determined to be in conflict with the provisions hereof as pertains thereto.

Section 6. Severability Clause

In the event that any section, paragraph, subdivision or provision of this Local Law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid, and the remainder of this Local Law shall be valid and effective.

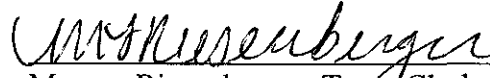
Section 7: Effective Date.

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. 2 of 2022 of the Town of Naples, was duly passed by the Town Board on April 5, 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.



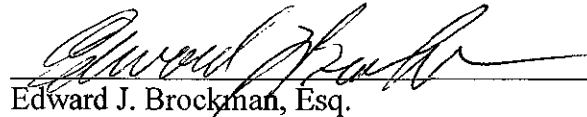
Morgan Riesenberger, Town Clerk

Date: 5/4/22.

(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: 5/4/22