

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 Westfield

Local Law No. 2 of the year 20 22

A local law Adopting Omnibus Amendments to the Town Code
(Insert Title) and zoning code

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

County City Town Village
(Select one.)

of Westfield as follows:

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

TOWN OF WESTFIELD

**LOCAL LAW NO. 2 FOR THE YEAR 2022
ADOPTING OMNIBUS AMENDMENTS TO THE TOWN CODE AND ZONING CODE**

Pursuant to Section 10 of the Municipal Home Rule Law, be it enacted by the Town of Board of the Town of Westfield, County of Chautauqua and State of New York, as follows:

SECTION 1. AUTHORITY.

This local law is promulgated pursuant to the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(10);
2. New York Statute of Local Governments, §10(1) and (7);
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);
4. New York Town Law §130 (11)(peace, good order and safety), (15)(promotion of public welfare); and
5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(general powers).

SECTION 2. DEFINITIONS.

Section 185-13 of the Town of Westfield Zoning Law is hereby amended to insert the following definitions, in the appropriate alphabetical position:

CAMPGROUND

Two or more cabins and/or space for two or more tents, travel or camping trailers, shelters, houseboats, or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

COMMERCIAL RECREATION

Recreational activities including, but not limited to, ball fields, playing fields, batting cages, golf courses and driving ranges, tennis, racquet courts, swimming, bike trails, hiking, and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include customary accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. This use shall not include racetracks; go-cart, motorcycle, remote controlled aircraft, ATV tracks or any other outdoor use involving motorized vehicles or equipment; gun clubs; and shooting ranges. This use may include land, buildings and facilities operated by a membership corporation, association, or fraternal order for the use and benefit of members and their guests primarily for the purpose of accommodating recreational athletic, social, literary or similar activities purposes, including golf clubs, country clubs, tennis and swimming clubs and similar facilities, provided that the primary purpose of such facilities is not to provide overnight accommodations for members.

GREENHOUSE:

A. RESIDENTIAL - An accessory structure typically enclosed with glass, plastic, or similar translucent materials within which agricultural or horticultural products are grown for personal or non-commercial use.

B. COMMERCIAL - A primary use structure typically enclosed with glass, plastic, or similar translucent materials within which agricultural or horticultural products are grown for retail or wholesale sale, and which includes appropriate areas for parking, loading and storage, office, and customers.

SECTION 3. CAMPGROUNDS.

A new Section 185-43(O) is hereby added to the Town of Westfield Zoning Law, which shall provide as follows:

O. Campgrounds.

- (1) Purpose. For the purpose of protecting properties adjacent to campgrounds from indiscriminate placement, unsightliness, noise, and related health and safety problems, etc., the following rules and standards shall apply.
- (2) Definitions. See § 185-13.
- (3) Regulations. Campgrounds shall be permitted by Special Use Permit in the Residential-Agricultural and Residential-Lakeside Districts, provided that the following standards are observed
 - (a) The parcel on which a campground is located must be at least 5 acres in size.
 - (b) All provisions of the Sanitary Code or such other regulations of the State Health Department pertaining to campgrounds shall be complied with.
 - (c) The number of campsites shall not exceed one per 10,000 square feet of area within such grounds.
 - (d) No campsite or camp structure shall be located within 100 feet of any highway and 100 feet of any other property line.

SECTION 4. CAMPGROUNDS IN THE R-L DISTRICT.

A new Section 185-19(D)(11) is hereby added to the Town of Westfield Zoning Code to permit campgrounds by special use permit in the Residential-Lakeside (R-L) District by Special Use Permit, which shall provide as follows:

- (11) Campground.

SECTION 5. CAMPGROUNDS IN THE R-A DISTRICT.

A new Section 185-24(J)(34) is hereby added to the Town of Westfield Zoning Law to permit campgrounds by special use permit in the Residential-Agricultural (R-A) District by Special Use Permit, which shall provide as follows:

- (34) Campground.

SECTION 6. COMMERCIAL RECREATION IN THE R-L DISTRICT.

Section 185-19(D) of the Town of the Town of Westfield Zoning Law is hereby modified so that Subsection (2) thereof provides as follows:

- (2) Commercial recreation.

SECTION 7. RESIDENTIAL GREENHOUSES.

A new Section 185-15(F) is hereby added to the Town of Westfield Zoning Law to permit residential greenhouses in the Residential (R-12) District by right, and, by extension also in the Residential-Lakeside (R-A) District and Residential-Agricultural (R-A) District, which shall provide as follows:

- (F) Residential greenhouse.

SECTION 8. COMMERCIAL GREENHOUSES IN THE C DISTRICT.

A new Section 185-29(16) is hereby added to the Town of Westfield Zoning Law to permit commercial greenhouses in the Commercial (C) District, which shall provide as follows:

- (16) Commercial greenhouse.

SECTION 9. COMMERCIAL GREENHOUSES IN THE L-I DISTRICT.

A new Section 185-40(B)(9) is hereby added to the Town of Westfield Zoning Law to permit commercial greenhouses in the Light-Industrial (L-I) District, by Special Use Permit, which shall provide as follows:

- (9) Commercial greenhouse.

SECTION 10. TRAVEL TRAILERS

Article VI of the Town of Westfield Code is hereby amended to provide as follows:

Article VI. Travel Trailers

§ 115-16. Duration of stay.

A. No travel trailer shall be permitted to remain occupied upon any premises, other than in a preestablished or properly permitted mobile home park, for a longer period than four months in any twelve-month period. Occupant must prove legal disposal of waste.

B. Any travel trailer used for temporary residential occupancy as permitted by Subsection A above shall not be rented or leased for a fee, either for long-term or short-term rental.

§ 115-17. Exemption.

This chapter does not apply to travel trailers located in preestablished and properly permitted trailer parks or camping areas that have regularly maintained trailer parking areas and sanitation systems approved by the New York State Health Department.

§ 115-18. Placement; nonconforming locations.

- A. No travel trailer shall be placed for more than seven days, and no landowner shall permit a travel trailer to be placed for more than seven days, within 40 feet from the edge of any road right-of-way owned by the State of New York, County of Chautauqua or Town of Westfield.
- B. Travel trailers stored or occupied in a nonconforming location, within 40 feet of a road right-of-way owned by the State of New York, County of Chautauqua or Town of Westfield, may continue to be stored in such location only if the Town of Westfield Code Enforcement Officer determines that there is no location further from the road that is usable.

SECTION 11. VALIDITY AND SEVERABILITY.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 12. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(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. 2 of 2022 of the (County)(City)(Town)(Village) of Westfield was duly passed by the Town Board on 7/25 2022, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.

* 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.)

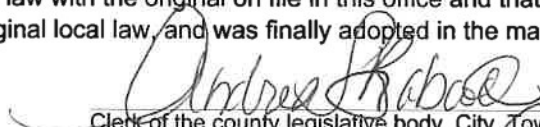
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.


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

Date: July 29, 2012

(Seal)