

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 Salem

FILED
STATE RECORDS

AUG 18 2017

DEPARTMENT OF STATE

Local Law No. 3 of the year 2017

A LOCAL LAW AMENDING THE ZONING LAW OF THE TOWN OF SALEM.

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

See Attached

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

TOWN OF SALEM

LOCAL LAW NO. 3 OF THE YEAR 2017
AMENDING THE TOWN OF SALEM ZONING LAW

Be it enacted by the Town Board of the Town of Salem, Washington County, New York, as follows:

SECTION I – ENACTMENT

A. The Zoning Law of the Town of Salem, having an effective date of February 10, 2017, is hereby amended as follows:

Article II is hereby amended as follows:

“Article II § 2.10 Names of Zoning Districts” is hereby amended to include a new zoning district titled “M Mixed Use”:

Article III is hereby amended as follows:

Article III § 3.25 “C-Commercial District” the title is hereby amended to be renumbered as § 3.26 title “C-Commercial District”.

Article III § 3.25(1) and (9), as amended herein, is amended so that the referenced to “Mixed Use” are amended to read: “Mixed Used Structure.”

Article III is hereby amended to include the following new regulations:

“§ 3.25 M- Mixed Use District”

The mixed use district allows for a variety of commercial and residential services in close proximity to each other at a medium density. This district serves as the gateway into the Town of Salem and allows for limited commercial services to promote economic development in the Town.

Permitted Uses:

1. One- and two-family dwellings.
2. Home occupations
3. Accessory buildings
4. Accessory uses

Special Uses:

1. Multiple-family dwellings.
2. Tourist accommodations.
3. Retail business

- 4. Personal Services
- 5. Restaurants
- 6. Public facilities

| | |
|--|---|
| <u>Minimum Lot Size:</u> | 20,000 square feet & 100 feet wide |
| <u>Maximum Percentage of Lot to be Occupied:</u> | 30% |
| <u>Maximum Height of Building:</u> | 30 feet |
| <u>Screening:</u> | <u>May be required if deemed appropriate by the Planning Board.</u> |

-Outdoor lighting to be directed such that it does not impact adjoining residential properties.

-All trash and trash receptacles shall be concealed from public view and said trash shall be properly contained.

-Structures shall be constructed such that they blend with the residential and historical character of the Town.

Article III § 3.26 “I- Industrial Districts” the title is hereby amended to be renumbered as § 3.27 title “I- Industrial Districts”.

Article III § 3.27 “FW- Floodway District” the title is hereby amended to be renumbered as § 3.28 title “FW- Floodway District”.

Article III § 3.28 “FP- Floodplain Districts” the title is hereby amended to be renumbered as § 3.29 title “FP- Floodplain Districts”.

Article IV is hereby amended as follows:

Article IV § 4.10 – The term “Mixed Use” in the “Use” column of the chart is amended to read “Mixed Use Structure.”

Article IV § 4.120(a) – The term “mixed use” is amended to read “Mixed Use Structure.”

Article IV § 4.31 is amended to include the following minimum yard dimensions for the Mixed Use District:

| Zoning District | Front Yard | Side Yard | Rear Yard |
|-----------------|------------|-----------|-----------|
| M | 50 | 50 | 50 |

Article V is hereby amended as follows:

§ 5.10 General Procedures and Provisions

All uses of land listed in the Schedules of Regulations as Special Uses shall be allowed upon issuance of a Special Use Permit by the Town of Salem Planning Board **and in accordance with Town of Salem Site Plan Law.**

Article VIII is hereby amended as follows:

8.10 Procedure

The Town Board of the Town of Salem may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of this Zoning Law after public notice and hearing.

Every such proposed amendment or change shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. **The Planning Board shall have sixty two (62) days to provide such recommendations to the Town Board. Failure to make such a recommendation within the required time period shall be decided an approval by the Planning Board.** The Town Board of the Town of Salem by resolution shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

Article X is hereby amended to include the following new definition:

Public Facilities: Any facility, including but not limited to buildings, property, and recreation areas, which are leased or otherwise operated or funded by a governmental body or public entity.

Article X is hereby amended to amend the term "Mixed Use" to read as "Mixed Use Structure."

- B. The Zoning Map of the Town of Salem is hereby amended to change the zoning designation of tax map parcel Nos. from Medium Density Residential (RM) District to Mixed Use (M) District as follows:

209.-1-70 (13 South Main Street, Town of Salem, Washington County, New York),
209.-1-70.1 (17 South Main Street, Town of Salem, Washington County, New York),
209.-1-71 (25 South Main Street, Town of Salem, Washington County, New York),
209.-1-72 (31 South Main Street, Town of Salem, Washington County, New York),
209.-1-73 (37 South Main Street, Town of Salem, Washington County, New York),
209.-1-74 (45 South Main Street, Town of Salem, Washington County, New York),
209.-1-80.1 (53 South Main Street, Town of Salem, Washington County, New York),
209.-1-61 (44 South Main Street, Town of Salem, Washington County, New York),
209.-1-62 (38 South Main Street, Town of Salem, Washington County, New York),
209.-1-63 (26 South Main Street, Town of Salem, Washington County, New York),
209.-1-64 (24 South Main Street, Town of Salem, Washington County, New York),
209.-1-65 (22 South Main Street, Town of Salem, Washington County, New York),
209.-1-66 (14 South Main Street, Town of Salem, Washington County, New York),
209.-1-67 (South Main Street, Town of Salem, Washington County, New York), and
209.-1-68 (1830 County Route 64, Town of Salem, Washington County, New York).

SECTION II – AUTHORITY

This Local Law is enacted pursuant to the authority of Section 10 of the New York State Municipal Home Rule Law.

SECTION III – SEVERABILITY

If any part or provision of this local law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part of provision or application.

SECTION IV - EFFECTIVE DATE

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

(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. 3 of 2017 of the (County)(City)(Town)(Village) of Salem was duly passed by the Town Board on July 12, 2017, 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____.
(Name of Legislative body)
(Elective Chief Executive Officer)*
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.~~

* 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 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 ___1___, above.

Patricia A. Gilchrist
Clerk of the county legislative body, City, Town or Village *Town Clerk*
Clerk or officer designated by local legislative body

(Seal)

Date: July 12, 2017