

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUN 11 2003
MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Shelter Island
Town
~~Village~~

Local Law No. 8 of the year 2003

A local law TO AMEND CHAPTER 111 OF THE CODE OF THE TOWN OF SHELTER ISLAND
(Insert Title)
IN RELATION TO FLAG LOTS

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

~~County~~
~~City~~ of Shelter Island as follows:
Town
~~Village~~

Section 1. Amend Chapter 111 of the Shelter Island Town Code, titled "Subdivision of Land: as follows:

Amend Section 111-37. D. to read as follows:

§111-37.D. Notwithstanding any other provisions of this Chapter or of Chapter 133 of the Town Code (Zoning), the Planning Board may permit, as part of any subdivision or adjustment of lot lines, the creation of one or more flag lots (see definition in §133-3 of this Code), provided that the conditions in §1110-37D subsection (1) and the applicable conditions in subsections (2), (3), and (4), are met.

(1) The street frontage of any such flag lot shall be not less than 20 feet nor more than 50 feet, unless a lesser or greater frontage is authorized by area variance obtained from the Zoning Board of Appeals, and the width of the entire length of the flag strip for the flag lot shall be not less than 20 feet nor more than 50 feet, unless a lesser or greater width is authorized by area variance obtained from the Zoning Board of Appeals; and

(2) The total number of such flag lots shall not exceed 40% of the total lots in a proposed major subdivision (i.e., a subdivision creating five or more lots) unless a greater number of such lots is authorized by area variance obtained from the Zoning Board of Appeals; or

(3) The number of such flag lots in a proposed minor subdivision (i.e., a subdivision creating four or fewer lots) shall not exceed 50% of the total number of lots proposed in the subdivision; or

(4) The number of such flag lots in a proposed adjustment of lot lines shall be limited to one of the resulting two lots.

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

Section 2. Throughout Chapters 111 and 133 of the Shelter Island Town Code, to the extent that §280-a of the New York Town Law requires that a lot directly abut a street and have a minimum frontage of 15 feet thereon, §280-a is superseded in order to allow access by easement as set forth in the definition and use of the term flag lot in those Chapters. This law is being adopted pursuant to the Town's powers under Article 9, §2 of the New York State Constitution, §10, Subdivision 6 of the Statute of Local Governments; and §10, Subdivisions 1(ii)(a)(3), 1(ii)(d)(3), (11) and (14) of the Municipal Home Rule Law.

Section 3. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

(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. 8 of 2003 of the ~~(County)(City)~~(Town)(Village) of Shelter Island was duly passed by the Town Board on June 6, 2003, 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. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.

Joseph P. Ogan

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

(Seal)

Date: June 6, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Suffolk

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.

Anthony...

Signature

Town Attorney

Title

~~County~~

~~City~~

Town

~~Village~~

of Shelter Island

Date: June 6, 2003