

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 LaGrange

FILED
STATE RECORDS

DEC 21 2018

Local Law No. 15 of the year 2018

A local law OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING

(Insert Title)
VARIOUS VARIOUS PROVISIONS OF CHAPTER 240, "ZONING", OF THE

LAGRANGE TOWN CODE AS FOLLOWS: *

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

County City Town Village
(Select one.)

of LaGrange

as follows:

**SEE ATTACHMENT FOR ENTIRE LOCAL LAW TITLE AND TEXT OF LOCAL LAW.

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

(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. 15 of 2016 of the (County)(City)(Town)(Village) of LaGrange was duly passed by the Town Board on DEC. 14 2016, 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____. 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.

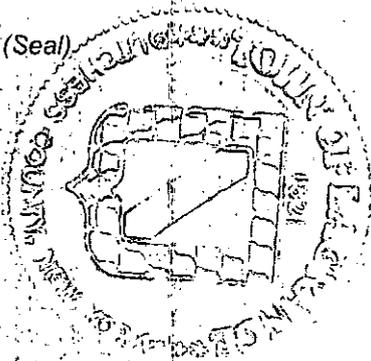
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 1 _____ above.

Cristine O'Reilly Law

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

Date: December 14, 2016



A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 240, "ZONING", OF THE LAGRANGE TOWN CODE AS FOLLOWS: SECTION 240-112 TO ADD NEW DEFINITIONS FOR TOWNHOUSE, MULTIFAMILY DWELLING AND THE USE OF OUTDOOR SPORTS AND/OR RECREATION; SECTION 240-47 REGARDING ACCESSORY STRUCTURES; SECTION 240-51 REGARDING SEWER AND WATER FACILITIES; SECTIONS 240-38, 240-38.1, 240-39 AND 240-42 REGARDING PARKING REGULATIONS; SECTION 240-27, SCHEDULE A1 AND SCHEDULE A2 REGARDING OUTDOOR SPORTS/RECREATION USES; ADDING A SUBSECTION "R" TO SECTION 240-41 REGARDING SEWER AND WATER FACILITIES; AND SECTION 240-88(A) TO ADD CONSULTING COSTS FOR APPEALS TO THE ZONING BOARD OF APPEALS.

Section 1. Section 240-112 of the LaGrange Town Code is amended to change the definitions of Townhouse and of Multifamily Dwelling as follows:

TOWNHOUSE

A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with a yard or public way on not less than two sides, where each dwelling is located on its own parcel of land.

MULTIFAMILY DWELLING

A group of dwelling units on one lot, containing independent and separate living units for three or more families, having separate or joint entrances, which may be located vertically above one another and which may include apartments, condominiums and co-ops. For the purposes of this code townhouses are not defined as multifamily dwellings.

Section 2. Subsection (A)(2) of Section 240-47 of the LaGrange Town Code is amended to read as follows:

- (2) No accessory structure shall be located closer to the street than the principal structure.

Section 3. Subsection (B)(6) of Section 240-51 of the LaGrange Town Code is amended to delete this subsection concerning water and sewer facilities, and to renumber remaining subsections (B)(7) through (B)(13) to become (B)(6) through (B)(12).

Section 4. Section 240-38 of the LaGrange Town Code is amended to delete the following subsections (G)(2)(b)(5), (6), (7), (8) and (10). Subsection 240-38(G)(2)(b)(4) is amended to place a period after the words "Planning Board", and to delete the material following the words "Planning Board". Subsection 240-38(G)(2)(b)(9) shall be renumbered to become (G)(2)(b)(5).

Section 5. Section 240-38.1 of the LaGrange Town Code is amended to delete the following subsections (G)(2)(b)(5), (6), (7), (8) and (10). Subsection 240-38.1(G)(2)(b)(4) is amended to place a period after the words "Planning Board", and to delete the material following the words "Planning Board". Subsection 240-38.1(G)(2)(b)(9) shall be renumbered to become (G)(2)(b)(5).

Section 6. Section 240-39 of the LaGrange Town Code is amended to delete the following subsections (H)(2)(b)(3)(c); subsections (H)(2)(b)(4); subsections (H)(2)(b)(7)(b), (c), (d), and (e); subsections (H)(2)(b)(8); subsections (H)(2)(b)(11). Subsection 240-39 (H)(2)(b)(7)(a) is amended to add the following new last sentence: "Joint parking standards can be found in Section 240-42 of the Town Code."

Section 7. Section 240-42 of the LaGrange Town Code is amended as follows:

- (a) Subsection 240-42(D)(1) is amended to read as follows: "Each parking space shall be nine feet wide and 18 feet long, except handicap-accessible spaces, which shall meet state and federal requirements. Backup and maneuvering aisles between rows of

parking spaces shall be at least 24 feet wide, except where the Planning Board approves a lesser dimension as adequate to serve parking spaces arranged at less than a ninety-degree angle or landscaped area.”

(b) Subsection 240-42(H) is amended at its second sentence is read as follows: “In all cases it shall be expressly demonstrated on the site plan that sufficient space is reserved...”

(c) Subsection 240-42(H) is amended to add the following provisions:

The supply of parking spaces shall not exceed minimum requirements unless clearly justified by parking generation data submitted by the applicant and approved by the Planning Board.

The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in the parking requirement of up to 30% for two or more principal buildings or uses on adjacent parcels where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by patrons or employees among such establishments (offset peak parking demand). There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal uses. Such covenant shall be:

[a] Executed by the owner of said lots or parcels of land and by all other parties having beneficial use of, or some other legal interest in, the property, such as, but not limited to, a collateral or security interest;

[b] Enforceable by any of the parties having shared beneficial use of the facility; and

[c] Enforceable against the owner, the parties having beneficial use, and their heirs, successors, and assigns.

Section 8. Section 240-112 of the LaGrange Town Code is amended to add the new definition for Outdoor Sports and/or Recreation: "Commercial facilities developed on properties containing fifteen (15) acres or more, designed and used for participatory outdoor athletic and general recreation activities, and not defined and addressed elsewhere in this Chapter, excluding the use of gasoline-powered vehicles."

Section 9. Schedule A1 of Section 240-27 of the Town Code, Permitted Uses and Special Use Permits - Residential Districts, is amended as follows:

- (a) The symbol "SP", with footnotes 12, 11, and 37, shall be placed at the intersection of a new row entitled "Outdoor Sports/Recreation" and the columns for RFD (40, 60, and 80), RMD and RLD.
- (b) The symbol "N" shall be placed at the intersection of a new row entitled "Outdoor Sports/Recreation" and the columns for RFS and TCR.

Section 10. Schedule A2 of Section 240-27 of the Town Code, Permitted Uses and Special Use Permits - Nonresidential Districts, is amended as follows:

- (a) Replace the use "Outdoor recreation area" with the use "Outdoor Sports/Recreation".

- (b) The symbol "SP", with footnotes 12, 11, and 37, shall be placed at the intersection of a new row entitled "Outdoor Sports/Recreation" and the columns for TCB, H, MGH, GH, GB, C, and I.

Section 11. A new Section 240-41(R) is added to the Town Code and reading as follows:

R. Sewer and Water Facilities.

- (1) Any residential subdivision or residential site plan use which is not designed or approved for individual subsurface septic systems for each residential unit, or which is not designed or approved with a potable private well for each residential unit, will be required to design and to build communal sewer or water facilities, as the case may be, to be dedicated to the Town as municipal facilities.
- (2) Any commercial site plan use may be required to connect, where feasible, to existing municipal sewer or water infrastructure. Any commercial site plan use which presents an approvable septic system or septic treatment plant, or a potable private well, may be required to dedicate such facilities to the Town in the exercise of the Town's discretion. As part of the approval process, each site will be reviewed by the Administrator of Planning and Public Works to determine if (a) connection to existing municipal sewer or water infrastructure is feasible, or (b) if not feasible, whether the neighboring area is in need of municipal facilities for sewer collection or water supply. In the event that connection to existing municipal facilities is not feasible, and there is need shared by the neighboring area, the Administrator of Planning and Public Works will notify the property owner and site plan applicant, if different, that dedicated and expandable municipal sewer collection or water supply facilities will be necessary as early as possible in the review process.

- (3) The Administrator of Planning and Public Works Department will be responsible, with the Town's Engineer, for design approval and final acceptance of all sewer collection or water supply facilities to be dedicated to the Town. The Administrator of Planning and Public Works will make recommendations to the Town Board if the new sewer collection or water supply facility will require the establishment of a special improvement district, an extension of an existing of a special improvement district, or an improvement area, and whether the new facility or facilities to be dedicated will be required to be expandable at municipal expense to accommodate additional surrounding areas of need.

Section 12. Section 240-88(A) is amended to add the following words: "...appeals to and requests for interpretation by the Zoning Board of Appeals..." after the words "...use or area variances..." in the current sixth line of that subdivision (A).

Section 13. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 14. This local law shall take effect immediately upon filing with this state's Secretary of State.