

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.

FILED
STATE RECORDS
OCT 05 2020

Village of Orchard Park

DEPARTMENT OF STATE

Local Law No 11 of the year 2020

A local law

Amending Chapter 225 of the Village of Orchard Park Code entitled "Zoning"

Be it enacted by the Board of Trustees of the Village of Orchard Park as follows:

SECTION 1: Amending 225-12 **Accessory uses and structures.** adding:

G. Housing of Animals

- (1) A parcel having less than five (5) acres may not house livestock including but not limited to poultry, horses and sheep.
- (2) A parcel having more than five (5) acres may house livestock no closer than one hundred feet (100 ft.) of any lot lines.
- (3) No odor, smoke and/ or dust producing materials shall be located within one hundred (100 ft.) of any lot line.
- (4) The owner or occupant must keep livestock in an appropriate manner and control.

SECTION 2: Amending 225-12 (F)(1)(a) to read as follows:

F. Accessory structures in R-Districts.

- (1)(a) An accessory building shall not exceed one story or fourteen feet (14) feet in height and may occupy not more than 25% of a required rear yard.

SECTION 3: Amending 225-17 **Parking and Automotive Services.** adding

- A.(1)(d) Surfacing. Every automotive use area and access driveway thereto shall be surfaced with a durable and dustless material and shall be so graded and drained as to dispose of surface water accumulation.

SECTION 4: Amending 225-18 Signs F(2)(c) to read:

- F.(2)(c) Only one freestanding or Pedestal sign shall be permitted per lot of record.

SECTION 5: Amending 225-18 Signs, adding:

- C. General requirements.

- 7) Design and Construction. All signs shall be designed and constructed in accordance with the following criteria:
- (a) All signs shall be constructed of permanent, weather-resistant, and durable materials.
 - (b) Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads and lateral loads in accordance with the appropriate provisions of the New York State Building Code. All sign supports shall be reviewed as part of the sign design and approval process.
 - (c) All sign lettering shall be permanently affixed to the sign. Manual changeable copy signs shall be enclosed and locked.
 - (d) No permanent sign may be constructed of untreated or unpainted wood, sandblasted metal, or unfinished material.
- 8) Obsolete signs. Any sign that no longer advertises or identifies the current or permitted use of the property must be removed within thirty (30) days after written notification from the Code Enforcement Officer.

9) Removal of Signs.

- (a) Where required by this article, the removal of signs shall be the sole responsibility of the sign owner/ or property owner. If the sign is not removed within thirty (30) days of the date of written notice by the Code Enforcement Officer, the Code Enforcement Officer is authorized to effect its removal.
- (b) The Code Enforcement Officer may remove, without any further notice any temporary sign or sign not requiring a permit that is found to be in violation of this article. The property and/ or sign owner shall subsequently be given written notice of such sign removal. If the sign is not claimed within ten (10) days of the written notice, the Code Enforcement Officer may dispose of said sign.
- (c) Any costs incurred for the removal of a sign shall be fully reimbursed to the Village by the sign owner and/ or property owner. Such costs may be placed on the tax rolls for collection by the Village Clerk.

SECTION 6:

Amend Section 225-18 **Signs**, section D(2) to read as follows:

D. **Prohibited signs.** The following signs are prohibited:

- (2)(a) Political signs; provided, however, political signs may be erected on a building designated as "party headquarters" for a recognized party. Such political signs may be erected not more than 60 days prior to the election and must be removed within two (2)

days after the election. No sign permit shall be required for such signs.

- (2)(b) Temporary election signs. For each parcel, one temporary election sign with a surface area of four (4') Square ft. or less may be displayed for each candidate and each issue. Such political signs may be erected not more than thirty (30) days prior to the election and must be removed within two (2) days after the election to which it pertains. The temporary election signs allowed under this section are in addition to a temporary free expression sign and any other sign allowed under this chapter. Sign shall not exceed four ft. (4') in height. A temporary election sign shall be set back a minimum of five ft. (5') from any lot line. No permit is required for a temporary election sign under this subsection. Placement of signs prior to 30 days or failure to remove said signs within the removal time period or will result in a fine of \$25.00 per day to the property owner.

SECTION 7: 225-18 Signs, adding:

(H) Temporary and Special Purpose Signs.

- (8) **Lawn Signs.** A single lawn sign shall be allowed on any lot without permit, provided it is in compliance with the regulations below:
- (a) The sign does not exceed three (3) ft in height and six square feet in area;
 - (b) The sign is not displayed for more than 30 days;
 - (c) The sign is not illuminated;
 - (d) The sign maintains at least five-foot (5') setback from all lot lines;
 - (e) The sign does not impede the traffic or visibility of pedestrians, bicycles or motorists;
 - (f) Signs are not permitted on vacant lots and,
 - (g) Non-residential lots exceeding one hundred (100) feet in width are permitted two (2) additional signs.

SECTION 8: Amend Chapter 225 Attachment 1, Schedule 1:
Under B-1 and B-2 Commercial Zoning:
Special Use Column: Under Eating and Drinking
Establishments
add Outdoor Seating

SECTION 9: 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. 11 of 20 20 of the (County)(City)(Town)(Village) of Orchard Park was duly passed by the Board of Trustees on September 28 20 20, 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.
(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 _____.
(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.

* 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.

Mary Beth Jensen

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

Date: 10/1/2020

(Seal)

