

LOCAL LAW NO. 1 OF THE YEAR 2017

OF THE TOWN OF YORK

A local law to amend and supersede as applicable the zoning map of the Town of York, Livingston County, New York, as officially adopted to create a Wind Overlay Zone pursuant to Article VI of the Zoning Ordinance of the Town of York.

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

SECTION 1. TITLE AND SCOPE.

This local law shall be known as *A local law to amend and supersede as applicable the zoning map of the Town of York as officially adopted to create a Wind Overlay Zone pursuant to Article VI of the Zoning Ordinance of the Town of York.*

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of York, and to implement the provisions of the Comprehensive Plan of the Town of York. This Local Law regulates the location, construction, alteration and use of buildings and structures and the development and use of land within the Town of York.

B. To these ends, this local law and the zoning map that it amends and supersedes as applicable is designed to:

1. Balance various forms of development that are desirable by the public while protecting the rural character of the Town;
2. Protect and encourage farming and agriculture and related businesses, which are the dominant land uses in York;
3. Protect property values by regulating uses, buildings and structures that may impact the character of the Town and affect neighboring properties; and
4. Minimize conflicts among the various land uses, both now and in the future.

SECTION 3. AMENDMENTS TO OFFICIAL ZONING MAP REFERENCED IN ARTICLE III. ZONING DISTRICTS.

Article III, section 301 provides that the Town of York shall from time to time amend its official Zoning Map, which said amendments shall be duly adopted by the Town Board and become a part of the Zoning Ordinance of the Town of York.

SECTION 4. FINDINGS.

A. The property for which a Wind Overlay Zone is being requested is known as Tax Identifier Map Parcel Number 40.-1-16.115, also known and identified as 2330 Cowan Road, Town of York, County of Livingston and State of New York.

B. The property for which a Wind Overlay District is being requested is located within an Agriculture District as per the zoning classification established by Article IV, Section 400 of the Zoning Ordinance of the Town of York.

C. A specific request for a special use permit has been received from the owner of the property known as Tax Identifier Map Parcel Number 40.-1-16.115, also known and identified as 2330 Cowan Road, Town of York, County of Livingston and State of New York, to place a Wind Energy Conversion System upon such property.

D. A request to create a Wind Overlay Zone has been received from the owner of the property known as Tax Identifier Map Parcel Number 40.-1-16.115, also known and identified as 2330 Cowan Road, Town of York, County of Livingston and State of New York.

SECTION 5. CREATION OF WIND OVERLAY ZONE PURSUANT TO ARTICLE VI. USE SPECIFIC REGULATIONS SECTION 617 E.

Pursuant to the authority granted to the Town Board under Article VI, Section 617 E, the official Zoning Map of the Town of York shall be amended as follows:

A. A Wind Overlay Zone is hereby created pursuant to Article VI, Section 617 E to encompass the entirety of the parcel known as Tax Identifier Map Parcel Number 40.-1-16.115, also known and identified as 2330 Cowan Road, Town of York, County of Livingston and State of New York.

B. Within the Wind Overlay Zone, all of the underlying land use district regulations shall remain in effect except as specifically modified by the provisions of Article VI, Section 617.

C. Any development of a Wind Energy Conversion System within the Wind Overlay Zone created hereby shall be required to have Site Plan Review and approval by the Planning Board (pursuant to Article VI, Section 617 D) and issuance of a special use permit prior to issuance of a building permit.

SECTION 6. INCORPORATION OF AMENDED OFFICIAL ZONING MAP INTO TOWN OF YORK ZONING ORDINANCE.

A. The Official Zoning Map of the Town of York as amended by this local law shall be incorporated into the Zoning Ordinance of the Town of York.

B. The Official Zoning Map of the Town of York as amended by this local law shall be on file in the Office of the Town Clerk.

SECTION 7. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.