

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 of Lockport
- Town
- Village

Local Law No. 2 of the year 20 10

A local law amending the Zoning Code of the Town of Lockport
(Insert Title)

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

- County
- City of Lockport as follows:
- Town
- Village

The Town of Lockport, New York, Zoning Code, as contained in Chapter 200 of the Code of the Town of Lockport, is hereby amended as follows:

1. Section 200-4 is hereby amended by amending the definition of MANUFACTURED HOME, by removing the period at the end of said subdivision and adding:

“; a manufactured or mobile home as defined in the Building Code of the State of New York.”

Said Section is further amended by adding the following definition:

“SEMI-PUBLIC - Of or owned by a not-for-profit corporation as defined in the New York State Not-For-Profit Law of the Religious Corporation Law.”

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

2. Section 200-22, Accessory uses, is hereby repealed and the following is adopted in its place:

"200.22. Accessory uses. No accessory use shall be closer to the street than the rear façade of the principal use."

3. Section 200-24.1 is added as follows:

"200-24.1. Business buildings. No business shall be conducted in any District unless conducted from a permanent building located on the same lot having a minimum of 1,500 square feet. This provision shall not apply to home occupations."

4. Section 200-27, Special uses, is hereby amended by repealing the first sentence thereof and by adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

5. Section 200-27(H) is hereby added as follows:

"H. Single family residences built on land upon which farming has not occurred for a period of five (5) consecutive years, and having acreage of not less than three (3) acres."

6. Section 200-29 is hereby amended by repealing the following phrase "Lot area - Lot area for residence" and replacing it with the following:

"Lot area - Lot area for farmhouses and extended family units".

Said Section is further amended by adding the following at the end of said Section:

"Lot area - Lot area for residences allowed by Section 200-27(H).....3 Acres"

Said Section is further amended by adding the following:

"Livestock and Horses..... 10 Acres
Minimum Limited to 2 Horses Per Acre"

7. Section 200-32(B) is hereby repealed and the following is adopted in its place:

"B. Public and semi-public uses limited to churches, public or private schools, hospitals and daycare centers."

8. Section 200-33, Special uses, is hereby amended by repealing the first sentence thereof and adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

9. Section 200-33(J) is hereby repealed and the following is adopted in its place:

"J. Public and semi-public institutional and community facilities limited to libraries, museums, fairgrounds without permanent rides or attractions, grounds for day camps, and overnight camping (tenting), provided no more than three (3) sites are available for recreational vehicles and without dormitories or permanent housing. Commercial enterprises and club houses are excluded."

10. Section 200-33(K) is hereby repealed and the following is adopted in its place:

"K. Country clubs, private or public golf courses."

11. Section 200-35, Dimensional requirements, is hereby amended by adding thereto at the end of said Section:

"Livestock and Horses..... 10 Acres
Minimum Limited to 2 Horses Per Acre"

12. Section 200-38, Special uses, is hereby amended by repealing the first sentence thereof and adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

13. Section 200-39(E) is hereby repealed and the following is adopted in its place:

"E. Barn, shed or utility structure in addition to allowed detached garages."

14. Section 200-41 is hereby amended by changing the caption to read "200-41. Additional provisions."

15. Section 200-41(A) is hereby repealed and the following is adopted in its place:

"A. Accessory structures or combinations of accessory structures (excluding detached garages where there is not attached garage) shall not contain more than 1/3 of the square footage of the principal building."

16. Section 200-41 is hereby amended by adding thereto the following provision:

"C. Where an existing, approved, filed, and developed subdivision, with infrastructure has established lots of 80 feet, 80 feet shall be the minimum frontage for those phases where infrastructure was installed prior to January 1, 2008."

17. Section 200-41 is hereby amended by adding thereto the following provision:

"D. Where an existing, approved, filed and developed subdivision was approved by the Planning Board prior to September 7, 2005, and the Development Plan was for two family dwellings, such residence shall be allowed."

18. Section 200-44, Special uses, is hereby amended by repealing the first sentence thereof and by adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

19. Section 200-50, Special uses, is hereby amended by repealing the first sentence thereof and by adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

20. Section 200-64, Special uses, is hereby amended by repealing the first sentence thereof and by adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

21. Section 200-69, Permitted uses and structures, is hereby amended by repealing the first paragraph thereof and adopting the following in its place:

"No building, structure or lands within the General Business (B-2) Use District shall be constructed, erected or used for other than the following specified purposes provided that any such use which also falls within the uses permitted as Special Uses in this article, are not allowed except by obtaining a Special Use Permit:"

22. Section 200-69 is hereby amended by repealing Section 200-69(F), (K) and (U).

23. Section 200-70, Special uses, is hereby amended by repealing the first sentence thereof and by adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

24. Section 200-70, Special uses, is hereby amended by adopting Section 200-70(E) as follows:

"E. Sales or leasing of new or pre-owned automobiles, trucks, recreational vehicles, farm equipment, construction equipment, boats, or other sales or leasing requiring outdoor display of inventory."

25. Section 200-71(A) is hereby amended by repealing said Section and by adopting the following in its place:

"A. Enclosure. Except for vending and ATM machines, and except as provided in the Special Use Section of this Article, all uses, principal and accessory, including display of merchandise, except signs, landscaping and off-street parking, loading and stacking, shall be conducted within a completely enclosed structure and no outdoor storage or display of goods, merchandise or materials shall be permitted."

26. Section 200-76, Special uses, is hereby amended by repealing the first sentence thereof and by adopting the following in its place:

"The following uses may be permitted upon obtaining a Special Use Permit:"

27. Article XIV, entitled "Vehicle Sales Overlay (VSO) District Regulations and Restrictions" is hereby repealed in its entirety. Appendix "A". "Design Guidelines" is also repealed in its entirety.

28. Section 200-92(A) is hereby repealed and the following is adopted in its place:

"A. The Commercial Corridor Overlay District shall include all land fronting on Route 78 (Transit Road) south of the City of Lockport, and Route 93 (Dysinger and Robinson Roads) between Old Beattie Road and the Lockport Bypass, and all lands to a depth of 500 feet from the edge of the right-of-way of said roads."

29. Section 200-94(J)(2) is hereby repealed and the following is adopted in its place:

“(2) Parking lot location. Site plans shall detail a parking plan. When feasible, parking shall be located predominantly to the side or rear of buildings, with building located between the major parking areas and the street. Any deviation from this requirement shall be justified by the developer. When parking is located between a building and the street, the Planning Board may require mitigating measures, including berms, additional or enhanced landscaping, or additional parking setbacks. The site plan must demonstrate integration of parking into the overall site, in an aesthetically pleasing manner, taking into account pedestrian and traffic flow.”

30. Section 200-94(J)(3) is hereby repealed and the following is adopted in its place:

“(3) Shared parking. In cases where shared parking is provided by recorded agreement, the Planning Board may permit reduction in the required parking area when the applicant(s) can show that the total parking needs are met.”

31. Section 200-94(M)(5) is hereby repealed and the following is adopted in its place:

“(5) A landscaped green area shall be located adjacent to all roads. The area shall encompass the entire setback area between the road right-of-way and the building or parking area. The area shall consist of a combination of grass or suitable ground cover, shrubs and deciduous trees and may include variations in elevations.”

32. Section 200-94(M) (6) is hereby repealed and the following is adopted in its place:

“(6) Enhanced screening techniques as follows may be required to enhance aesthetic characteristics of the site:

(a) Attractive masonry and brick walls at a height no greater than three (3) feet with plantings along front property lines and side property lines to the fronts of buildings, and six (6) feet in height along other sides and rear property lines. Generous plantings are required on the residential side of the wall to soften and enhance the screen. Walls over six (6) feet are permissible with berm as indicated below. Walls shall be architecturally finished on both sides to blend in with the natural environment or to match building walls.

(b) Where commercial service areas adjoin residential properties or streets, berms in combination with walls up to ten (10) feet in height as visible from the adjoining site may be required. Soil may be sloped against the interior ell as the exterior faces of walls. Attractive building materials, including finished block and concrete walls, and those made of stone or brick are preferred. Prohibited materials for walls include wood, metal, unfinished concrete or concrete block and manufactured materials such as fiberglass.

(c) Berms of sufficient height and planted to effectively screen parking and circulation areas shall be permitted. Berms shall have crowns with minimum widths of two

(2) feet and slope gradients less than 2:1."

33. Section 200-98(B) is hereby repealed and the following is adopted in its place:

"B. Cluster developments may be allowed in the following Districts, where public sewer is available: AR, R-1, R-2 and PUD."

34. Section 200-105(A) is hereby repealed.

35. Section 200-105(C) is hereby amended by deleting there from the number "35" and by in its place inserting the number "45".

36. Section 200-105(E) is hereby repealed and the following is adopted in its place:

"E. Detached single family dwellings shall be located so as to have the equivalent of not less than 60 feet frontage per lot."

37. Section 200-105(F)(1) is hereby repealed and the following is adopted in its place:

"1. These units shall be separated from existing detached single family homes by a minimum of 50 feet, except that three story units shall be so separated by a minimum of 100 feet. Other buffering such as landscaped berms may also be required."

38. Section 200-105(F)(5) is hereby renumbered as Section 200-105(G).

39. Section 200-105(F)(6) is hereby repealed.

40. Section 200-105(F)(7) is hereby renumbered as Section 200-105(H) and said Section is hereby further amended by deleting the words "these types" and inserting in their place the word "cluster".

41. Section 200-105(F)(8) is hereby repealed.

42. Existing Section 200-105(G) is hereby repealed, and the following is adopted in its place:

"G. All structures shall be set back sufficiently from the street to accommodate all necessary public and private utilities and easements."

43. Section 200-105, Additional requirements, is hereby amended by adopting Section 200-105(I) as follows:

"I. New roads and utilities being established for condominium ownership development shall be owned and maintained by the condominium association, except that, in such cases as the Town Board shall determine the public will benefit by accepting dedication of roads and accepting ownership of utilities, the Town Board, by resolution, may require that said roads and utilities or any portion of them be dedicated to or owned by the Town."

44. Section 200-123, Waiver, is hereby repealed and the following is adopted in its place:

"200-123. Waiver. Where a change in occupancy or use only, without significant site alteration, is requested, the Planning Board may, in its discretion, waive any requirement of this Article upon a finding that further review is not necessary to achieve the purposes of this Article."

45. The first paragraph of Section 200-146 is hereby repealed and the following is adopted in its place:

"Unless otherwise determined by the Planning Board during site plan review, parking or standing spaces shall be provided for each use, as required in the amounts set forth in the following subsections. Parking spaces or areas may be increased or decreased by the Planning Board where

overall conditions require more or less parking:"

46. The first paragraph of Section 200-147(A) is hereby repealed and the following is adopted in its place:

"A. Sufficient parking shall be provided for every use on a site or a lot. The amount of required parking shall be determined by the Planning Board. In determining the required amount of parking, the Planning Board may consider the use or mix of uses, available shared parking, studies, reports, experiences at similar sites and other pertinent information. Unless the Planning Board finds that, considering overall conditions, a larger amount or a lesser amount of parking is required, minimum parking shall be as set forth in this Section."

47. Section 200-154 is hereby repealed.

48. Section 200-172(B)(3)(b)[1] is hereby repealed and the following is adopted in its place:

"[1] Such signs shall not exceed 25 feet in height. Such signs shall not be pole signs. Such signs shall be constructed on a solid base consisting of brick or decorative building material excluding concrete block and shall be landscaped with a landscaped area of not less than 2.5 feet on each side and front and rear of the sign which shall contain plantings as approved by the Planning Board."

49. Section 200-172(B)(3)(b)[3] is hereby repealed and the following is adopted in its place:

"[3] The maximum total face area shall be determined by the street frontage of the lot as indicated in the following table. Where the lot fronts on more than one (1) street, the frontage shall be the length of the

longest side. Total freestanding sign area shall be charged against the maximum face area indicated in Subsection B(1) above.

STREET FRONTAGE (Feet)	Under 500'	Over 500'
MAXIMUM SIGN SURFACE AREA (Square Feet)"	96	160

50. Section 200-186(C) is hereby amended by adding after the last sentence thereof, the following:

"Withdrawal and resubmission, or substantial modification, shall require a new fee."

(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. 2 of 20 10 of the ~~(County)(City)(Town)(Village)~~ of Lockport was duly passed by the Town Board on May 5 20 10, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local *(Elective Chief Executive Officer*)* 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 1 _____, above.

Nancy G. Brooks

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

Date: 5-6-2010

(Seal)

(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 Niagara

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.

[Signature]

Signature
Town Attorney

Title

~~County~~

~~City~~ of Lockport

Town

~~Village~~

Date: 5/6/10



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

May 13, 2010

Daniel E Seaman
Seaman Jones Hogan & Brooks
76 West Avenue
Lockport NY 14094

RE: Town of Lockport, Local Law 2, 2010, filed on May 13, 2010

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated.
Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755