

1 OF 1981

A LOCAL LAW TO AMEND LOCAL LAW # 6 OF THE YEAR 1978, RELATIVE TO ZONING PROVISIONS.

adopted: NOVEMBER 9, 1981

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE AS FOLLOWS:

ARTICLE I. PURPOSE

This Local Law is for the purpose of amending certain Sections of Local Law # 6 for the year 1978, which is the authority for zoning control in the Village of Wellsville.

ARTICLE II.

Section 12.10.01 of Local Law # 6 of the year 1978 is hereby amended to read as follows:

12.10.01 The regulations, limitations and restrictions of this Local Law, including the zoning map, may be amended, changed, modified or repealed by the governing body in accordance with State Law.

In addition to the notice required by law, notices of such hearing shall be mailed to every civic association in the Village, which shall have registered its name and address for this purpose with the Village Clerk. Failure to give such notice by mail shall not however, invalidate any such amendment, change, modification or repeal. No amendment or change shall become effective unless the ordinance containing such amendment shall first have been submitted to the planning board for review. The planning board shall have a reasonable time, not less than sixty (60) days for consideration and report.

In the event the Planning Board shall not have submitted its report to the Village Board within such 60-day period, the Planning Board shall be deemed to have approved the proposed amendment

In the case of an unfavorable report by the Planning Board, such amendment or change shall not become effective except by a favorable vote of a majority plus one of the governing body.

ARTICLE III.

Section 10.02.02 of Local Law # 6 for the year 1978 is hereby amended to read as follows:

10.02.02a The Board shall fix a time and place for a public hearing thereon, and shall provide for the giving of notice at least 10 days prior to the date thereof, as follows:

- 1) by publishing a notice in the official newspaper
- 2) In an R-1 and R-2 District, notices shall be mailed to the owners of all premises situated within five hundred (500) feet of the premises concerned in said application.
- 3) In all other districts, notices shall be mailed to the owners of all premises situated within two hundred and fifty (250) feet of the premises concerned in said application.
- 4) Such distances of two hundred and fifty (250) feet and five hundred (500) feet to be measured by lines drawn perpendicular to the boundaries of the premises affected in said application and the width of any intervening street to be excluded from the computation thereof.
- 5) If the land involved in an application is within 500 feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the municipal clerk of such other municipality.

10.02.02b Notwithstanding the notice requirements contained in subparagraph 2 above relating to notice being given to the property owners within 500 feet, the Zoning Officer, in any particular instance, may dispense with all or a portion of notice requirements to adjoining landowners by immediately filing it in writing with the Office of the Village Clerk. This will constitute notice to the Zoning Bd. of Appeals. Dispensation will be effective after a period of two weeks from the date of filing, unless the Zoning Board of Appeals shall schedule and hold a meeting during that period to confirm, reverse or modify the decision of the Zoning Officer in whole or in part.

Any decision of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within 5 days after making such a decision, and in no event after three (3) weeks from the original determination of the Zoning Officer.

The decision of the Zoning Board whether or not to hold

such a hearing is permissive and mandatory.

Failure of the Zoning Board to repeal or modify the decision of the Zoning Officer within the allowable period shall be deemed confirmation of the Zoning Officer's decision.

ARTICLE IV

Section 2.02.12 of Local Law # 6 for the year 1978 is hereby amended to read as follows:

- 2.01.12 (a) DWELLING: Any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto, including a private garage,
- (b) DWELLING, ONE-FAMILY: A building containing one dwelling unit and designed or used exclusively for occupancy by one family,
- (c) DWELLING, TWO-FAMILY: A building designed for and occupied exclusively as a home or residence for two families,
- (d) DWELLING, DETACHED: Dwelling having no wall in common with another building.

ARTICLE V

Section 2.02.15 of Local Law # 6 for the year 1978 is hereby amended to read as follows:

2.02.15 FAMILY: Any number of individuals residing together who are related in the second degree by blood or marriage, or, any two individuals with or without minor or unemancipated children, living together as a single housekeeping unit, using rooms and housekeeping facilities in common.

ARTICLE VI

This Local Law shall become effective 10 days after posting and publishing.