

# 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 Yorktown

Local Law No. 13 of the year 20<sup>16</sup>

A local law to amend Chapter 300-3(B) of the Code of the Town of Yorktown entitled "ZONING"  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Yorktown as follows:

## Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Section 300-21(C)(1)(b)(8) of the Town Code is amended to read as follows:

Private and parochial elementary and high schools, or any combination thereof, in accordance with the provisions of §300-55.

Section III. Section 300-21(C)(1)(b) of the Town Code is amended to add a new subparagraph (6) to read as follows: Helistops pursuant to §300-81.1 as an accessory use to those enumerated in §300-21(C)(1)(a)(2) and (3) and §300-21(C)(1)(b)(8) in the R1-200 and R1-160 Districts only.

cont'd. on Pages 2A, 2B

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

Section IV. Section 300-55(A) of the Town Code is amended to read as follows:

A parochial or private elementary, *or any combination thereof*, or high school or college or seminary, *or any combination thereof*, shall be permitted, subject to the following standards, provided that it is a school offering a comprehensive curriculum of study similar to that of a public school. Customary accessory uses to schools or colleges shall also be permitted.

Section V. Section 300-55(F) of the Town Code is amended to read as follows:

One off-street parking space shall be provided for each teacher and other members of a school or college staff and, in the case of colleges, one additional space for each five students. For auditoriums, gymnasiums, grandstands and other gathering places, one off-street parking space shall be provided for each three seats. The *Planning Board* may approve the design of the parking area to serve more than one use, provided that such uses will require parking facilities at different times. Parking areas shall be located at least 50 feet from all property lines and shall be permanently improved. Access and interior drives on the school site shall be located so as to prevent unnecessary traffic on local residential streets and to avoid unsafe conditions and traffic congestion.

Section VI. Section 300-55(H) of the Town Code is amended to read as follows:

The *Planning Board* shall require suitable fencing, landscaping and screening to prevent any nuisance to surrounding property, to safeguard the peace, comfort and safety of the neighbors and to protect the students attending the school.

Section VII. Section 300-55(I) of the Town Code is amended to read as follows:

The *Planning Board* shall require conformance to all local health and safety codes. The Board may reduce the minimum site area requirements when a site is located immediately adjacent to permanently open land, such as parkway or watershed lands, but to no less than 60% of such requirements.

Section VIII. Section 300-81.1 of the Town Code is amended to create a new paragraph 1 to read as follows:

1. Helistops shall be permitted in OB Districts as an accessory use with a special permit issued by the Planning Board, provided that they meet the following standards:

Section IX. Section 300-81.1(1) of the Town Code is amended to read as follows:

Takeoffs and landings shall be limited to the hours of 6:00 a.m. to 9:00 p.m., *except in emergencies.*

Section X. Section 300-81.1 of the Town Code is amended to create a new paragraph 2 to read as follows:

**2. Helistops shall also be permitted in the RI-200 and RI-160 Residential Districts as an accessory use with a special permit issued by the Planning Board, in accordance with the standards listed in 1(A-F) above. To obtain a special permit, the applicant must also show:**

**A. Use of the Helistop shall include, but not be limited to, the following uses:**

- 1. Medical;**
- 2. Emergency;**
- 3. Public Safety;**
- 4. Other uses as the Planning Board deems necessary and/or appropriate.**

**B. The subject property shall consist of 25 or more contiguous acres.**

Section XI. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

**(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. 13 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Yorktown was duly passed by the Town Board on June 21, 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) *(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.)**

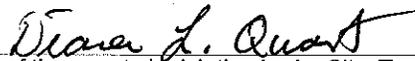
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 \_\_\_\_\_ above.

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

Date: June 23, 2016

(Seal)