



Yates County Planning Board Referral Form

Referral #
County Use Only 2019-05

Date Received 12-28-2018

Revised 4/2017

Municipality and Referring Agency Jerusalem Town Board

RECEIVED

Project Address TOWN of JERUSALEM

Project Tax Map # N/A

DEC 28 2018

REAL PROPERTY TAX SERVICE
PLANNING DEPARTMENT

Zoning District ALL

Applicant (Name & MAILING) Town of Jerusalem, 3816 Italy Hill Road, Branchport 14418

Email townclerk@jerusalem-ny.org

Property Owner (Name & MAILING) _____

Email _____

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) Zoning amendment local law

1. Amending the definitions of "Lot, Corner" and "Yard, Front" 2. Adopting new definitions of "Lot Line, Front", "Lot Line, Rear", "Lot Line, Side", "Setback, Rear" and "Yard, Rear" 3. Amending the regulations pertaining to permitted, accessory and specially permitted uses and structures in the Agricultural-R

Application Type

Project Description

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan
- Subdivision
- Text Amendment
- Map Amendment
- Other

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application
- Tax Map or Plat
- SEQR
- Site Plan *
- Variance Criteria **
- Subdivision Plat For Subdivision Referrals Only
- Other

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

SHELLA McMICHAELS (DRW), Referring Official



Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: Yates County Planning Department, dlong@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527

Local Law No. B of the year 2018

A Local Law Amending the Town of Jerusalem Zoning Ordinance

Be it enacted by the **Town Board**

Town of Jerusalem

as follows:

Section 1. Section 160-5 (Terms defined) of The Town of Jerusalem Zoning Ordinance is hereby amended with the deletion of the existing definitions of "Lot, Corner" and "Yard, Front" and the insertion of new definitions of "Lot, Corner" and "Yard, Front" to read as follows:

LOT, CORNER - A parcel of land at the junction of and fronting on two or more intersecting streets or bounded on at least two sides by streets or highways. All corner lots shall be deemed to have two front yards, two side yards and no rear yard.

YARD, FRONT

A. Except as otherwise defined, the area between the part of an existing structure nearest the street line and the street line bounded on each side by the side lines of the lot.

B. On corner lots, those areas between that part of each exterior wall of an existing structure nearest each street line abutting said lot and said street line bounded by the other street, and the side line most closely parallel to said other street line shall be the "front yard"

C. For all lots that border Keuka Lake, the "front yard" will be the area between the part of an existing structure nearest Keuka Lake and mean high water line of Keuka Lake, bounded on each side by the side lines of the lot.

Section 2. Section 160-5 (Terms defined) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of new definitions (said new definitions to be inserted alphabetically) to read as follows:

LOT LINE, FRONT

The line separating the lot from the boundary of the highway or right-of-way upon which the lot abuts, except for all lots that border Keuka Lake, the "front lot line" will be the mean high water line of Keuka Lake.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line. On lots that border Keuka Lake where a highway or right-of-way forms the rear lot line, the rear lot line shall be the boundary of the highway or right-of-way upon which the lot abuts.

LOT LINE, SIDE

The lot line(s) other than a front and/or rear lot line.

SETBACK, REAR

The distance from the rear lot line to the nearest part of the structure, measured at right angles or radially from the rear lot line.

YARD, REAR

- A. That area between that part of an existing structure nearest the rear lot line and the rear lot line of each lot.
- B. For all properties that border Keuka Lake, the "front yard" will be the area between the part of an existing structure nearest Keuka Lake and the mean high water line of Keuka Lake, bounded on each side by the side lines of the lot.

Section 3. Section 160-18 (Permitted uses and structures) of Article V (Agricultural – Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby amended with the repeal of Paragraph L (Wineries, breweries and distilleries) in its entirety.

Section 4. Paragraph B of Section 160-19 (Permitted accessory uses and structures) of Article V (Agricultural – Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Paragraph B is inserted in its place to read as follows:

- B. Side and rear setbacks
 - 1. On lots that are five (5) acres or less: No accessory structure shall be closer than 20 feet to the side lot line and 25 feet to the rear lot line.
 - 2. On lots that are over 5 acres: No accessory structure shall be closer than 40 feet to the side lot line and 45 feet to the rear lot line.

Section 5. Section 160-20 (Special uses) of Article V (Agricultural – Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby amended with the addition of a new Paragraph M to read as follows:

- M. Wineries, breweries and distilleries.

Section 6. Paragraph E of Section 160-39 (Flood Fringe Over Zone (FFO)) of Article IX (Flood Hazard Areas) of The Town of Jerusalem Zoning Ordinance is hereby amended with the repeal of subsections (3) and (4) in their entirety.

Section 7. Section 160-56 (Continuance) of Article XIII (Nonconforming Uses) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Section 160-56 is inserted in its place to read as follows:

§ 160-56 Continuance.

- A. Except as otherwise provided in this Article, a nonconforming lot may continue to exist provided that it shall not be reduced in size nor shall it otherwise have its boundaries altered.
- B. Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the adoption of this chapter may be continued, although such use or building does not conform to the regulations specified by this chapter, provided that:
 - (1) The lot, on which such nonconforming use or building is situate, is not reduced in size.
 - (2) No nonconforming building may be enlarged, extended or increased except as follows:
 - (i) The height of the nonconforming building may be increased provided such increase is within the height limits required by this Chapter, as determined by the Code Enforcement Officer;
 - (ii) Horizontal expansion of the nonconforming building shall be permitted provided such horizontal expansion does not increase the degree of non-conformance and further provided such horizontal expansion conforms with all other regulations of this Chapter, as determined by the Code Enforcement Officer.
 - (3) No nonconforming use may be expanded.

Section 8. Paragraph B of Section 160-58 (Restoration) of Article XIII (Nonconforming Uses) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Paragraph B is inserted in its place to read as follows:

- B. Any nonconforming building or structure may be restored, reconstructed or replaced as follows:
 - (1) The height of the restored, reconstructed or replaced building or structure may be increased provided such increase is within the height limits required by this Chapter;
 - (2) Horizontal expansion of the restored, reconstructed or replaced building or structure shall be permitted provided such horizontal expansion does not increase the degree of non-conformance and further provided such horizontal expansion conforms with all other regulations of this Chapter.

- (3) The restored, reconstructed or replaced building or structure shall otherwise be sited as before on the same outline or footprint of the original, nonconforming building or structure.

Section 9. Article XIII (Nonconforming Uses) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of new Section 160-62.1 as follows:

§160-62.1 Certificate of nonconformity.

- A. A certificate of nonconformity issued by the Zoning Officer shall be required as part of any request to the Town to alter any preexisting nonconforming building or structure by way of additional or expanded physical modifications or any way that increases or decreases the degree of nonconformance.
- B. A certificate of nonconformity may be requested by the property owner(s) upon completion of an application, as provided by the Zoning Officer, and upon payment of the application fee, to be established by resolution of the Town Board.
- C. A certificate of nonconformity shall:
 1. Include a map to scale depicting the boundaries of the subject property as well as physical improvements and uses.
 2. Identify and describe all instances wherein the nonconformity fails to comply with the provisions of this chapter and the date the nonconformity was established.

Section 10. Article XIII (Nonconforming Uses) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of new Section 160-62.2 as follows:

§ 160-62.2 Variance process.

- A. The alteration of any preexisting nonconformity, by way of additional, expanded or more intensive use(s), physical modifications, property boundary modifications, or any way that increases or decreases the degree of nonconformance, or the reduction in size of any lot on which a nonconforming use or building is situate, even if such alteration or reduction in size is expressly prohibited in this Article, may be permitted if the Zoning Board of Appeals approves a variance for such alteration. The property owner(s) must complete an application, as provided by the Zoning Officer, and pay the application fee, to be established by resolution of the Town Board, to request such a variance.
- B. The Zoning Board of Appeals shall, in the granting of a variance pursuant to this section, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed alteration. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may

have on the neighborhood or community. The provisions of § 160-74, pertaining to time limits, shall automatically be a condition of every variance granted pursuant to this section. If the applicant refuses to accept such requirements and conditions, the area variance shall be denied.

Section 11. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 12. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.