

TOWN OF DANBY LOCAL LAW NO. 1 OF 2005

A LOCAL LAW AMENDING THE ZONING ORDINANCE REGARDING THE NUMBER OF LOTS ALLOWED, AND REQUIRED LOT AREA

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

Section 1. The Zoning Ordinance of the Town of Danby adopted by the Town Board on December 11, 1991, as subsequently amended from time to time, be and the same hereby is further amended as set forth in the following sections.

Section 2. Article VI, Section 600 entitled “LOW DENSITY RESIDENTIAL ZONE” is hereby amended by adding a new subsection 4 to read as follows:

“4. NUMBER OF LOTS ALLOWED

- (a) On any parcel as it existed on the effective date of this amendment to this ordinance (EFFECTIVE DATE TO BE INSERTED), there shall be permitted no more than one (1) lot created for every five (5) acres of land or per 200 feet of road frontage whichever results in the greater number of lots, provided that the road frontage, for this purpose, is located on a public road maintained year-round.
- (b) For purposes of calculating the number of lots allowed, in no case shall the number of lots allowed exceed the average density that could be obtained using the required lot area provided in Article VI, Section 600 of the Zoning Ordinance of the Town of Danby.
- (c) The limitations of this section shall apply to parcels of land existing on the effective date of this amendment to this ordinance (EFFECTIVE DATE TO BE INSERTED). Any subsequent owner or owners of any such parcel of land (I.E., THE PARENT PARCEL) shall be bound by the actions of previous owners in that such subsequent owner or owners may only create the number of lots that may remain of the original number allowed under this section.
- (d) Further subdivision of any parcel created after the effective date of this amendment to this ordinance (EFFECTIVE DATE TO BE INSERTED) shall be prohibited unless all or part of the remaining subdivision rights of the original (PARENT) parcel are specifically transferred to the newly created lot. Written notice of any such transfer shall be submitted as part of the Final Subdivision Plat, and shall be recorded on the plat.”

Section 3. Article VI, Section 600 is hereby amended by renumbering subsection 4 as subsection 5, and revising it to read as follows:

“5. REQUIRED LOT AREA. Except when approved as a Clustered Subdivision, lot area shall be not less than two acres with frontage of not less than two hundred feet, and a lot depth of not less than three hundred feet.”

Section 4. Article VI, Section 600 is hereby amended by renumbering subsections 5 entitled “YARDS”, 6 “SIGNS”, 7 “HEIGHT”, and 8 “BUILDING AREA” as subsections 6, 7, 8, and 9 respectively.

Section 5. Article VI, Section 601 entitled “MEDIUM DENSITY RESIDENTIAL ZONE”, subsection 4 is hereby amended to read as follows:

“4. REQUIRED LOT AREA. Except when approved as a Clustered Subdivision, lot area shall be not less than one and one-half acres with frontage of not less than one hundred fifty feet and a lot depth of not less than two hundred feet.”

Section 6. Article VI, Section 602 entitled “HIGH DENSITY RESIDENTIAL ZONE”, subsection 4 is hereby amended to read as follows:

“4. REQUIRED LOT AREA. Except when approved as a Clustered Subdivision, lot area shall be no less than one acre with frontage of not less than one hundred fifty feet and a lot depth of not less than two hundred feet; and if the area is served by public water, the lot area shall be not less than one half acre with frontage on a public street of not less than seventy-five feet and a lot depth of not less than one hundred fifty feet.”

Section 7. If any provision of this local law is found to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other provisions of this local law.

Section 8. This local law shall take effect 10 days after its publication in the official newspaper of the Town or on the date it is filed in the Office of the Secretary of State of the State of New York, whichever is later.