

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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 of Richmond
Village

Local Law No. _____ of the year **2018**

A Local Law to Amend the Zoning Law of the Town of Richmond to Add Regulations Pertaining to Non-Commercial Recreational Uses and Structures

(Insert Title)

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

County
City
Town of Richmond
Village

as follows:

Section 1: Authority

The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law and §265 of the New York State Town Law.

Section 2: Section 200-30 of the Zoning Law of the Town of Richmond is hereby changed as follows:

A. The title is hereby changed from "Accessory buildings" to "Accessory buildings and structures"; and

B. A new paragraph C. is hereby added to read as follows:

C. If there is no principal use on a residential lot, a structure that is typically a residential accessory structure, such as a residential garage, swimming pool, tennis court, or tool shed, shall be allowed in the absence of the principal use.

Section 3: Article V. (Supplementary District Regulations) of the Zoning Law of the Town of Richmond is hereby amended with the insertion of a new Section 200-38.1 to read as follows:

§ 200-38.1 **Non-commercial recreational use.**

A. As used in this section, the following terms shall have the following meanings:

1. **NON-COMMERCIAL RECREATIONAL USE** - shall include but not be limited to canoeing, boating, badminton, hunting, target shooting, trapping, hiking, photography, picnicking, cross country skiing, tobogganing, sledding, horseback riding, bicycle riding, hang gliding, nature study, motorized vehicle operation for recreational purposes, snowmobile operation, cutting or gathering of firewood for non-commercial purposes, training of dogs, or other similar activities undertaken for recreation, exercise, education or relaxation without imposing a charge or fee.
2. **LAND DEVELOPMENT ACTIVITY** – Any man-made change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including:
 - A. Agricultural land uses such as the planting, growing, cultivating and harvesting of crops;
 - B. The growing and tending of gardens;
 - C. The harvesting of trees; and
 - D. Landscaping modifications.

B. Non-commercial recreational uses shall be permitted by right in all applicable residential districts, provided that they do not create noise, traffic, dust, odor, or other impacts that exceed those normally associated with the type of residential use occurring on the subject lot or, where no residential use is occurring of such lot, that exceed those normally associated with a single-family dwelling.

C. Whenever anyone other than the property owner is conducting a non-commercial recreational use as permitted in this section, written and dated permission of the property owner shall be required and shall be in the individual's possession.

D. Before land development activity may commence to enable or further a non-commercial recreational use, the owner of the property on which such land development activity is to occur shall first obtain, as required by this Chapter, final site plan approval by the Planning Board, a special use permit by the Zoning Board of Appeals, and any permits by any involved governmental agencies. Both the Planning Board and Zoning Board of Appeals shall also determine if land development activities meet principal use requirements on the lot in question.

Section 4: 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 5: Effective Date

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

(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. ____ of 2018 of the **Town of Richmond** was duly passed by the Richmond Town Board on _____, 2018, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

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)(repassed after disapproval) by the _____ and was deemed duly adopted 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)(repassed after disapproval) by the _____ on _____, 20__. 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)(repassed after disapproval) by the _____ on _____, 20__. Such local 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.

¹ 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 _____ 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.

Town Clerk

(Seal)

Date: _____