

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.)

FILED
STATE RECORDS

MAR 13 2020

of Clay

DEPARTMENT OF STATE

Local Law No. 2 of the year 2020

A local law to amend Section 230-23 D. entitled "Nonconformities" by adding item (8) "An owner of a
(Insert Title)
single-family dwelling erected prior to the effective date of the resolution shall be permitted
to enlarge or structurally alter such dwelling to provide for additional enclosed space for
living or garage purposes, provided, however, no front, side or rear yard (see below)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Clay as follows:

encroachment shall be further expanded.

SEE ATTACHED LOCAL LAW:

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

**(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. 2 of 2020 of
the ~~(County)(City)~~(Town)(Village) of Clay was duly passed by the
Town Board on December 16 2019, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**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

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)
(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

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)
(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

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)
(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.)

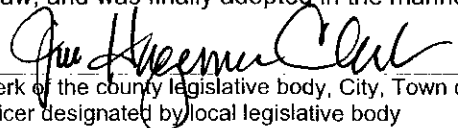
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 __, became operative.

6. (County local law concerning adoption of Charter.)

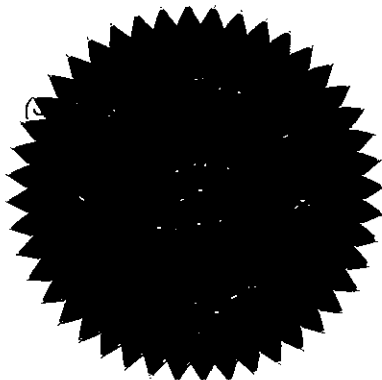
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule 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, 1 above.


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

Date: 3-9-20



LOCAL LAW NO. 2 OF THE YEAR 2020

TOWN OF CLAY

LOCAL LAW NO. 2 OF THE YEAR 2020 TO AMEND CHAPTER 230 entitled “**ZONING**” by amending **Section 230-23 D.** to add new item (8) to said section of the Code of the Town of Clay.

IT IS TO ENACT by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. It is to amend **Section 230-23 D.** entitled ‘**Nonconformities**’ by adding item (8) “An owner of a single-family dwelling erected prior to the effective date of this resolution shall be permitted to enlarge or structurally alter such dwelling to provide additional enclosed space for living or garage purposes, provided, however, no front, side or rear yard encroachment shall be further expanded,” to the Code of the Town of Clay.

Said Local Law shall read as follows:

ARTICLE IV

§230-23 D. Nonconforming use requirements.

- (1) Except as otherwise provided in this section, nonconforming uses may continue to exist.
- (2) A nonconforming use may not be enlarged to occupy additional floor area within an existing structure or additional lot space, nor be converted to another use, except in conformance with this code. Any such proposed modification or enlargement of a nonconforming use shall be subject to approval of a use variance from the Zoning Board of Appeals.
- (3) A nonconforming use may be changed to another nonconforming use only upon issuance of a special permit by the Zoning Board of Appeals. The Board shall evaluate the appropriateness of the proposed nonconforming use to the zone district and shall find that it will not have a greater impact on surrounding properties than the existing nonconforming use. In its determination, the Zoning Board of Appeals may consider parking demand, pedestrian and traffic volume, intensity of use, hours of activity, noise levels and any other factors considered relevant.
- (4) A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to a nonconforming use.
- (5) The provisions of § 230-23C(3) above, regarding repair and restoration of damaged structures, shall apply to conforming structures containing a nonconforming use.
- (6) Any previously established permitted use now subject to the site plan review or special permit requirements of this code shall be regarded as nonconforming if it does not comply with the current site plan review or special permit standards and criteria.
- (7) The nonconforming use of a structure or land which has ceased operation for six months shall be deemed abandoned and may not be reestablished. The six-month period will commence upon written notification by the Commissioner to the property owner. During this six-month period, the owner may request a time extension from the Zoning Board of Appeals in order to continue the nonconforming status. The Zoning Board of Appeals may extend the six-month period with a maximum additional 24 months upon finding that the nonconforming use occupies a structure uniquely designed to its use or that the additional needed time is reasonable and appropriate for the circumstances of the property. If the original or extended period has expired without an approved continuation of the nonconforming status, then the structure or land shall be used in conformity with this code.
- (8) An owner of a single-family dwelling erected prior to the effective date of this resolution shall be permitted to enlarge or structurally alter such dwelling to provide additional enclosed space for living or garage purposes, provided, however, no front, side or rear yard encroachment shall be further expanded.