

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.

FILED
STATE RECORDS

JUN 23 2010

County City Town Village
(Select one.)

of Preble

DEPARTMENT OF STATE

Local Law No. 3 of the year 2010

A local law establishing rules and regulations governing keyhole development in the Town of Preble.
(Insert Title)

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

County City Town Village
(Select one.)

of Preble as follows:

SECTION 1. Title

This Local Law shall be referred to as "Local Law Establishing Rules and Regulations Governing Keyhole Development in the Town of Preble".

SECTION 2. Authority

This Local Law is enacted pursuant to the authority of Article 16 of the Town Law and Section 10 of Municipal Home Rule Law.

SECTION 3. Purpose, Findings and Intent.

The use and enjoyment of the Town's water resources, including the inland lakes and other watercourses, as well as the lands abutting those water resources is of significant importance to the quality of living and the economic well-being of all residents in and visitors to the Town. It is desirable to retain and maintain the physical, cultural and aesthetic characteristics of those water resources in the Town and the lands

abutting them, as these lands abutting those water resources become further developed and subjected to human and mechanical influence. The purpose of this Local Law is to regulate the usage of those water resources and the lands abutting them in order to preserve and protect the health, safety and welfare of the residents of and visitors to the Town.

SECTION 4. Definitions

ARTICLE II, Section 210 of the Town of Preble Zoning Ordinance adopted March 10, 2008, as amended, setting forth Definitions of various words or phrases used in the Town of Preble Zoning Ordinance, be and hereby is amended by this Local Law, to add the following words and phrases, in alphabetical order, to the definitions listed in said section:

ACCESS: As used in ARTICLE VI, Section 665, the term access shall mean the rights to ingress and egress to and from a shoreline lot, regardless of whether access to the shoreline lot is gained by easement, ownership in fee, common or joint ownership, lease, license, or any other means.

BACKLOT: Any lot which does not abut the shoreline of an inland lake or body of water.

BODY OF WATER: Any river, lake or pond located in the Town of Preble, including but not limited to Song Lake, Tully Lake, Little York Lake and/or the Tioughnioga River.

DOCK: A platform extending out from the shoreline into the water.

INLAND LAKE: Song Lake, Tully Lake, and/or Little York Lake.

KEYHOLE DEVELOPMENT: The development or use of one or more backlots which includes access to the shoreline of an inland lake or body of water through one or more shoreline lots.

SHORELINE: The line where land and water meet.

SHORELINE FRONTAGE: The shoreline frontage of a lot shall be construed to be that portion of the lot that runs along the shoreline, as measured at the ordinary high water mark.

SHORELINE LOT: Any lot located on the shoreline of an inland lake or body of water.

SHORELINE STRUCTURES: Anything composed of parts, arranged together in some way, to be built or constructed on the shoreline.

SECTION 5. Keyhole Development

ARTICLE VI of the Town of Preble Zoning Ordinance adopted March 10, 2008, as amended, setting forth the Regulations Applicable to All Zoning Districts, be and hereby is amended by this Local Law, to add new Section 665, as follows:

SECTION 665: KEYHOLE DEVELOPMENT

A. Development or use of one or more back lots which include access to the shoreline of an inland lake or body of water through one or more shoreline lots is prohibited unless in conformity with this Local Law.

B. Site Plan Review: Submission Requirements

(1) An application for site plan approval is required to be submitted in accordance with ARTICLE X, which application shall include the following additional information:

a) Elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetlands, and shorelines;

b) Proposed locations of docks and other shoreline structures;

c) Location and dimensions of existing and/or proposed parking areas (including indication of all spaces and method of surfacing);

d) Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used;

e) The location and type of any and all picnic, sports facilities, and/or playground equipment to be installed on the site.

C. **Standards.** Any shoreline lot proposed to be used as part of a Keyhole Development shall conform to the following specifications:

1) The shoreline lot shall meet the minimum requirements for a lot in the zoning district in which it is located.

2) The shoreline lot shall have a minimum shoreline frontage of not less

than one hundred and fifty (150) feet (measured at the ordinary high water mark) and shall have an area of no less than the minimum lot size required of the zoning district in which the lot is located. The minimum frontage required for the shoreline lot shall be increased by fifty (50) feet, and the minimum area required shall be increased by at least seven thousand (7,000) square feet, for every additional back lot proposed to be part of the Keyhole Development.

3) The site plan shall reflect provisions for parking in accordance with ARTICLE VI, Section 605.

4) The site plan shall reflect provisions for all watercraft slips, moorings, boat hoists, and any other means of anchorage to be developed on the shoreline lot. No more than two (2) such slips, moorings, boat hoists, and other means of anchorage per shoreline lot shall be allowed. The minimum shoreline frontage required for the shoreline lot shall be increased by fifty (50) feet, and the minimum area required shall be increased by at least seven thousand (7,000) square feet, for every additional slip, moorings or boat hoists, proposed to be constructed or installed as part of the Keyhole Development.

5) The site plan shall reflect the location of all docks to be developed on the parcel. No more than two (2) docks per one hundred fifty (150) feet of shore line shall be allowed, which docks shall comply with all state and federal statutes and regulations pertaining thereto. Docks shall not extend beyond a water depth of four (4) feet and shall not exceed one hundred-fifty (150) feet, in length. Docks need not comply with setbacks applicable to other structures. The minimum shoreline frontage required for the shoreline lot shall be increased by fifty (50) feet, and the minimum area required shall be increased by at least seven thousand (7,000) square feet, for every additional dock proposed to be constructed or installed, as part of the Keyhole Development.

6) Boat launch facilities shall not be permitted.

7) No camping or other overnight accommodations shall be permitted on the shoreline lot.

8) The storage or display of items for sale or rent such as, but not limited to, boats, boat hoists, personal watercraft, and trailers is prohibited, unless otherwise permitted in the zoning district in which the lot is located.

9) No slippage or mooring rights shall be sold or leased unless otherwise permitted in the zoning district in which the shoreline lot is located.

SECTION 6. District Regulations

ARTICLE V, Sections 504, 514, 524, 534, and 544 of the Town of Preble Zoning Ordinance, adopted March 10, 2008, as amended, setting forth District Regulations, be and hereby is amended by this Local Law, to add the phrase “Keyhole Development (see section 665)”, to the list of uses requiring a conditional permit.

SECTION 7. Inconsistency

All other local laws and ordinances of the Town of Preble that are inconsistent with the provisions of this Local Law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this Local Law.

SECTION 8. Savings Clause

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 9. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 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. 3 of 2010 of the ~~(County)(City)(Town)(Village)~~ Preble ~~Town Board~~ was duly passed by the Town Board on June 14, 2010, 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 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.)

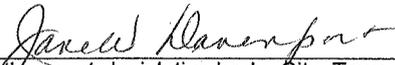
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

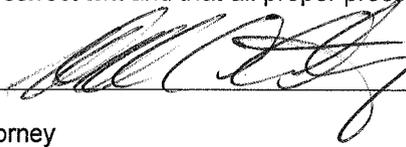
(Seal)

Date: June 14, 2010

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CORTLAND

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Town Attorney

Title

~~County~~
~~City~~ of Preble
Town _____
~~Village~~

Date: June 14, 2010