

6625

I N   S E N A T E

March 6, 2012

---

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the town law, the village law and the general city law, in relation to the enactment of certain zoning ordinances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The opening paragraph of section 261 of the town law is  
2 designated subdivision 1 and two new subdivisions 2 and 3 are added to  
3 read as follows:

4     2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, ANY ENACTMENT OF A  
5 ZONING ORDINANCE BY A TOWN THAT CREATES AN INCREASE IN THE MINIMUM LOT  
6 AREA, LOT FRONTAGE, OR LOT DEPTH WITHIN AN EXISTING ZONE ESTABLISHED FOR  
7 RESIDENTIAL PROPERTIES BY A FACTOR OF TWO OR GREATER ABOVE THE LARGEST  
8 SUCH EXISTING REQUIREMENTS WITHIN THE CURRENT ZONING ORDINANCE APPLICABLE  
9 TO RESIDENTIAL PROPERTIES WITHIN SUCH TOWN SHALL BE PRESUMED TO BE  
10 ARBITRARY AND CAPRICIOUS UPON SUCH ENACTMENT.

11     3. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, ANY ENACTMENT OF A  
12 ZONING ORDINANCE BY A TOWN THAT RESULTS IN RENDERING GREATER THAN HALF  
13 OF THE CURRENTLY EXISTING RESIDENTIAL PROPERTIES WITHIN THE ZONE NONCON-  
14 FORMING TO THE NEWLY ENACTED ZONING ORDINANCE SHALL BE PRESUMED TO BE  
15 ARBITRARY AND CAPRICIOUS UPON ENACTMENT.

16     S 2. The opening paragraph of section 7-700 of the village law is  
17 designated subdivision 1 and two new subdivisions 2 and 3 are added to  
18 read as follows:

19     2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, ANY ENACTMENT OF A  
20 ZONING ORDINANCE BY A VILLAGE THAT CREATES AN INCREASE IN THE MINIMUM  
21 LOT AREA, LOT FRONTAGE, OR LOT DEPTH WITHIN AN EXISTING ZONE ESTABLISHED  
22 FOR RESIDENTIAL PROPERTIES BY A FACTOR OF TWO OR GREATER ABOVE THE LARG-  
23 EST SUCH EXISTING REQUIREMENTS WITHIN THE CURRENT ZONING ORDINANCE  
24 APPLICABLE TO RESIDENTIAL PROPERTIES WITHIN SUCH VILLAGE SHALL BE  
25 PRESUMED TO BE ARBITRARY AND CAPRICIOUS UPON SUCH ENACTMENT.

26     3. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, ANY ENACTMENT OF A  
27 ZONING ORDINANCE BY A VILLAGE THAT RESULTS IN RENDERING GREATER THAN  
28 HALF OF THE CURRENTLY EXISTING RESIDENTIAL PROPERTIES WITHIN THE ZONE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD14886-01-2

1 NONCONFORMING TO THE NEWLY ENACTED ZONING ORDINANCE SHALL BE PRESUMED TO  
2 BE ARBITRARY AND CAPRICIOUS UPON ENACTMENT.

3 S 3. The opening paragraph of subdivision 24 of section 20 of the  
4 general city law is designated paragraph a and two new paragraphs b and  
5 c are added to read as follows:

6 B. NOTWITHSTANDING PARAGRAPH A OF THIS SUBDIVISION, ANY ENACTMENT OF A  
7 ZONING ORDINANCE BY A CITY THAT CREATES AN INCREASE IN THE MINIMUM LOT  
8 AREA, LOT FRONTAGE, OR LOT DEPTH WITHIN AN EXISTING ZONE ESTABLISHED FOR  
9 RESIDENTIAL PROPERTIES BY A FACTOR OF TWO OR GREATER ABOVE THE LARGEST  
10 SUCH EXISTING REQUIREMENTS WITHIN THE CURRENT ZONING ORDINANCE APPLICA-  
11 BLE TO RESIDENTIAL PROPERTIES WITHIN SUCH CITY SHALL BE PRESUMED TO BE  
12 ARBITRARY AND CAPRICIOUS UPON ENACTMENT.

13 C. NOTWITHSTANDING PARAGRAPH A OF THIS SUBDIVISION, ANY ENACTMENT OF A  
14 ZONING ORDINANCE BY A CITY THAT RESULTS IN RENDERING GREATER THAN HALF  
15 OF THE CURRENTLY EXISTING RESIDENTIAL PROPERTIES WITHIN THE ZONE NONCON-  
16 FORMING TO THE NEWLY ENACTED ZONING ORDINANCE SHALL BE PRESUMED TO BE  
17 ARBITRARY AND CAPRICIOUS UPON ENACTMENT.

18 S 3. This act shall take effect immediately.