

10306

I N   A S S E M B L Y

May 22, 2012

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Introduced by M. of A. HIKIND -- read once and referred to the Committee  
on Local Governments

AN ACT to amend the town law and the village 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  
29    NONCONFORMING TO THE NEWLY ENACTED ZONING ORDINANCE SHALL BE PRESUMED TO  
30    BE ARBITRARY AND CAPRICIOUS UPON ENACTMENT.

31    S 3. This act shall take effect immediately.

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

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