S T A T E  O F  N E W  Y O R K

10306

I N  A S S E M B L Y

May 22, 2012

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:

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

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

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

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

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

3. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, ANY ENACTMENT OF A ZONING ORDINANCE BY A VILLAGE THAT RESULTS IN RENDERING GREATER THAN HALF OF THE CURRENTLY EXISTING RESIDENTIAL PROPERTIES WITHIN THE ZONE NONCONFORMING TO THE NEWLY ENACTED ZONING ORDINANCE SHALL BE PRESUMED TO BE ARBITRARY AND CAPRICIOUS UPON ENACTMENT.

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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