

**ARTICLE I
ENACTMENT AND INTENT**

SECTION 100 TITLE

This Law shall be known and may be cited as the "Zoning Law of the Town of Middlebury.

SECTION 101 PURPOSE

For the purpose of promoting the health, safety and general welfare of the people of the Town of Middlebury, this Zoning Law is adopted pursuant to Article 16 of the Town Law and the State of New York. Its purpose is to regulate and restrict; the height, number of stories and size of building and other structures; the percentage of lot that may be occupied; the size of yards, courts and other open space; the density of population and the location and use of buildings, structures and land for business, industry, agriculture, residence or other purposes. Such Zoning Law and Zoning Map which is a part of said Zoning Law are designed to: lessen congestion in the streets; to secure safety from fire and other dangers; to provide adequate light and air; to provide for solar access and the implementation of solar energy systems; to prevent the overcrowding of land and to avoid undue concentration of population; to facilitate the efficient and adequate provision of public facilities and services; and to provide the maximum protection to residential areas from the encroachment of adverse environmental influences. Such Zoning Law and Zoning Map were made after reasonable consideration, among other things, as to the character of the Town and its peculiar suitability for particular uses and with a view to conserving property values and natural resources and encouraging the most appropriate use of land throughout the Town. **The Zoning Law will serve as a valuable planning tool to conserve, protect and encourage the development and improvement of the agricultural economy; protect agricultural lands as valued natural and ecological resources and protect open space. This Law also ensures that agricultural interests are taken into consideration during review of specific land use proposals by allowing and encouraging sound agricultural practices which are inherent and necessary to the operation of a farm and the on-farm production, processing and marketing of agricultural products with the acknowledgement that there are innate smells, odors and noises associated with such practices.**

SECTION 102 INTERPRETATION

In their interpretation and application, the provision of this Law shall be held to be the minimum standards and requirements for the protection of the public health,

safety and general welfare.

SECTION 103 CONFLICT WITH OTHER LAWS

Whenever the requirements of this Law are at variance with the requirements of other lawfully adopted rules, regulations, laws or the **State Environmental Quality Review Act (S.E.Q.R.A)**, the most restrictive or those imposing the higher standards shall govern.

SECTION 104 SEPARABILITY/SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Law is declared by any court of competent jurisdiction to be invalid or unconstitutional, it is hereby declared that no other provision of this Law shall be affected thereby.

SECTION 105 AMENDMENTS

- A. Procedure - The Town Board may from time to time on its own motion, on petition or on recommendation of the Planning Board and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this Law.
- B. Filing of Petition - A petition to amend, change or supplement the text of this Law or any zoning district as designated on the Zoning Map established herein shall be filed with the Town Clerk and shall be transmitted by the Clerk to the Town Board. A petition for a change to the Zoning Map shall contain a map which clearly describes the affected property and its boundaries and shall indicate the existing zoning district and the requested zoning change.
- C. Referral to the Planning Board - Each proposed amendment, except those initiated by the planning Board, shall be referred to the planning Board for an advisory report. In reporting, the Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment. The Planning Board may condition its approval, as may be appropriate and shall state whether such amendment is in harmony with the Town's **Master** Plan for land use. The Planning Board shall state its position relative to proposed zoning amendments in writing within forty-five (45) days of its referral from the Town Board. Absence of a reply from the Planning Board within the forty-five (45) day period shall indicate that the Board is in favor of the amendment.
- D. Public Hearings; Notice; Recording of Actions - Unless otherwise

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provided, the provisions of the Town Law of the State of New York pertaining to public hearings, official notices and proper recording of zoning actions taken by the Town Board shall apply to all amendments to this Law.

- E. Provisional Amendments - In the case of a proposed amendment which involves the reclassifications or transfer of any area to a less restrictive district the Town Board may require the petitioner to submit a site plan (as defined in Article III of this Law) showing the extent, location and character of proposed structures and uses drawn to scale and specifying the level of detail required by the provisions of Article III. The Town Board may require that such plan be modified to meet the objections raised at any public hearing thereon, or subsequent thereto, and may qualify its approval of any such amendment by imposing specific restrictions or condition to govern such approval. Unless an application for a **building zoning** permit is made within six (6) months after the Town Board's approval of said amendment and unless development of the area included is commenced within a period of one (1) year after the Town Board's approval, said approval shall be void and the zoning classification shall be as it was when the petition for amendment was filed. All improvements in such district shall be made in accordance with the Plan as approved by the Town Board.
- F. Disposition Final; Rehearing on Petition - The disposition of a petition for amendment by the Town Board shall be final and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Town Board shall be considered by it, except for a vote to table or to receive and file, and no public hearing shall be held on such amendment within a period of one (1) year from the date of such previous denial unless the Planning Board shall submit a recommendation, with reasons stated therefore certifying that there have been substantial changes in the situation which would merit a hearing by the Town Board. Such rehearing may be granted only upon a favorable vote of a majority of the Town Board plus one (1).

SECTION 106 REPEALER

The text of the 1969 Middlebury Zoning Ordinance and the Zoning Map of the Town of Middlebury and the Trailer Law **Ordinance** of the Town of Middlebury and Wyoming County, New York, enacted by the Town Board of the Town of Middlebury and as the same from time to time have been amended, are hereby repealed and amended in their entirety as set forth below, superseding all previous enactments and amendments, and from their taking effect, all such

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previous enactments and amendments thereto shall be repealed, **including but not limited to, resolutions by the Town Board dated the October 9, 1991; May 12, 1993; and July 10, 1996.**

SECTION 107 EFFECTIVE DATE

This Law shall be in effect immediately upon adoption and the posting and filing of notice of adoption as required by State Law.