

ARTICLE X AMENDMENTS

SECTION 1001 INITIATING AMENDMENTS

- A. Initiating Amendments - The Town Board may, from time to time, on its own motion, on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Zoning Law.

- B. Petitions - Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner, filed in triplicate with the Town Clerk, and shall be accompanied by the required fee.

**SECTION 1002 REFERRAL OF PROPOSED AMENDMENTS TO THE
 TOWNPLANNING BOARD AND COUNTY PLANNING
 BOARD**

- A. Referral to Town Planning Board - All proposed amendments other than those requested by the Planning Board shall be referred to the Planning Board for its optional recommendation thereon. The Planning Board may submit its report prior to the public hearing.

- B. Referral to County Planning Board - Where required by Section 239 of the General Municipal Law or other applicable statute a proposed amendment shall be referred to the Genesee County Planning Board, which Board shall report its recommendations to the Town Board within thirty (30) days from the date of such referral. Failure of the Genesee County Planning Board to report within said period shall be deemed an approval of the proposed amendment by the said Board. In the event that the Genesee County Planning Board disapproves the amendment or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members of the Town Board and after the adoption of a resolution fully setting forth the reasons for such contrary action.

SECTION 1003 HEARING ON PROPOSED AMENDMENT

Before adopting any amendments to this Zoning Law the Town Board shall give notice of a public hearing thereon to such persons and in such manner as required by Section 264 of Town Law, or other applicable law, and shall hold a hearing thereon pursuant to such notice. Prior to taking final action on any amendment, the Town Board shall complete the SEQR process (see Section 911).

SECTION 1004 PETITION PROTESTING AMENDMENT

In case of a protest against such change signed by the owners of twenty (20) percent or more, either of the land included in such proposed change, or of the land immediately adjacent thereto and extending one hundred (100) feet there from or of the land directly

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opposite thereto, and extending one hundred (100) feet, from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Town Board.

SECTION 1005 PERIODIC REVIEW BY PLANNING BOARD

From time to time the Planning Board shall reexamine the provisions of this Zoning Law and the location of district boundary lines, and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or welfare.

ARTICLE XI LEGAL STATUS PROVISIONS

SECTION 1101 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Zoning Law shall be considered as the minimum requirements to promote and to protect public health, safety, comfort, convenience prosperity, and other aspects of the general welfare, and in particular:

- To promote the purposes set forth in the preamble to this Zoning Law and in the statements of legislative intent for the respective districts or groups of districts; and
- To provide a gradual remedy for existing conditions which are detrimental thereto.

SECTION 1102 CONFLICT WITH OTHER LAWS

Whenever any provision of this Zoning Law and any other provision of law, whether set forth in the Zoning Law or in any other law, ordinance, or resolution of any kind, impose overlapping or contradictory regulations over the use of land, or over the use or bulk of buildings or other structures, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

SECTION 1103 EXISTING ZONING PERMITS

In all cases where:

- A zoning permit has been lawfully issued on the basis of an application showing complete plans for the proposed construction of a new building or other structure, or of an enlargement of an existing building or other structure which requires construction of foundations, and
- The adoption of this Zoning Law or of any subject amendment thereto, would make the completed building or other structures nonconforming or non-complying construction may nevertheless be continued in accordance with the zoning permit and a certificate of compliance may be issued for such nonconforming or non-complying building or other structure.

SECTION 1104 EXISTING PRIVATE AGREEMENTS

This Zoning Law is not intended to abrogate or annul any easement, covenant, or any other private agreement.

SECTION 1105 SEPARABILITY CLAUSE

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It is hereby declared to be the legislative intent that, if any provision or provisions of this Zoning Law or the application thereof to any building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or the zoning lot, building or other structure, or tract of land immediately involved in the controversy.

All other provision of this Zoning Law shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be affected.

SECTION 1106 REPEALER

The ordinance entitled "The 1971 Zoning Local Law for the Town of Darien", adopted on November 21, 1971 together with all changes and amendments thereto, is hereby repealed and declared to be of no effect.

SECTION 1107 EFFECTIVE DATE

The public welfare demanding it, this Local Law shall take effect at Darien, New York on the 3rd day of December 1986. Any amendments to this Local Law shall be enacted by local law and shall take effect as provided under New York State Municipal Home Rule Law.

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Zoning Schedule A

DISTRICT	TYPE OF USE	MIN. LOT SIZE (SQ. FT.)	MIN. WIDTH (FEET)	MINIMUM YARDS ②			MAX. HEIGHT (FEET)	MAX. % LOT COVERATE	Site Plan (SP) Special Use Permit (SUP)
				FRONT (FEET)	REAR (FEET)	SIDE ③ (FEET)			
MU-CC #1	ALL USES ⑥	40,000	250	50	30	30	35	35	SUP & SP
	Accessory buildings and uses	N/A	N/A	⑦	30	20	25	20	NO
MU-CC #2	ALL USES ⑥	40,000	250	50	30	30	35	35	SUP & SP
	Accessory buildings and uses	N/A	N/A	⑦	30	20	25	20	NO
MU-NC ⑤	EXISTING USES	20,000	100	40	20	10	35	35	SUP & SP

NOTES: ⑤ In the MU-NC Zoning Overlay district; Lot sizes, Lot width, minimum yards, maximum height, and maximum lot coverage is meant to reflect the existing use in the underlying MDR district.

⑥ Accessory buildings and uses are exempt from these offset requirements. Offset requirements for accessory buildings and uses are listed separately.

⑦ Accessory buildings and uses are prohibited from being constructed in the Front Yard area.

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Zoning Schedule A

DISTRICT	TYPE OF USE	MIN. LOT SIZE (SQ. FT.)	MIN. WIDTH (FEET)	MINIMUM YARDS ②			MAX. HEIGHT (FEET)	MAX. % LOT COVERATE	SITE PLAN
				FRONT (FEET)	REAR (FEET)	SIDE ③ (FEET)			
MDR	SINGLE-FAMILY	20,000	100	40	20	10	35	30	NO
	TWO-FAMILY	30,000	150	40	20	10	35	30	NO
	MULTI-FAMILY ①	+ 4,000	200	50	30	20	35	35	YES
	NON-RESIDENTIAL	40,000	200	50	30	20	35	35	YES
LDR	SINGLE-FAMILY	80,000	300	50	50	50	35	5	NO
	TWO-FAMILY	80,000	300	50	50	50	35	5	NO
	MULTI-FAMILY ①	+ 4,000	300	50	50	50	35	10	YES
REC	NON-RESIDENTIAL	80,000	250	50	50	50	35	15	YES
C	RECREATION	500,000	500	200	200	200	35 ④	25	YES
	COMMERCIAL	40,000	200	50	30	30	35	35	YES
I	INDUSTRIAL	40,000	200	50	30	30	35	40	YES
PUD	PLANNED UNIT DEVELOPMENT Refer to Section 706								

NOTES: ① Two Family minimum lot size plus 4,000 sq. ft. per family for each additional family over two (2).

② Accessory buildings and structures refer to Section 605.

③ The side yard at a corner lot adjacent to a street shall be considered as a front yard.

④ Building height limit is for those structures, which are habitable or will be used for public assembly.