ARTICLE 1
GENERAL PROVISIONS

Section 1.1 Short Title

This Law shall be known as the Town of Caneadea Zoning Law, and is referred to herein as "this Code," or "this Law."

Section 1.2 Statement of Purpose

This Code is designed and enacted to implement the objectives of the Town of Caneadea Comprehensive Plan and to promote the general health and welfare of the present and future inhabitants of the Town, to protect property values of the Town and the neighborhoods within the Town, and to create an atmosphere attractive to visitors and residents. It is the intention of the Town in adopting this Code to fully exercise all of the powers granted to the Town by the provisions of New York State law, and all other powers granted by statute or by common law for the regulation of land uses and improvements. The intention of the Town is to assure the proper and sensitive development of land within Caneadea in order to protect and enhance the quality of life in general. This Code is intended to allow development in a manner that encourages the preservation of scenic values and historic structures, and provides for well-planned commercial and residential centers, smooth traffic circulation, and efficient delivery of municipal services. This Code seeks to prevent development that adds to existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety of the community or detract from the quality of life in the community.

Section 1.3 Relationship to Other Laws

Where the conditions imposed by any provision of this Law are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Law or any other law, ordinance, resolution, rule or regulation of any kind, existing or as may be adopted in the future, the laws, ordinances and regulations which are more restrictive or which impose higher standards or requirements shall govern.

The provisions of this Code are in addition to all other Town ordinances, the Laws of the State of New York, the Laws of the United States, and applicable common law. This Code shall not supersede, annul or abrogate any private land use regulation in deeds or covenants that are more restrictive than this Code.

Section 1.4 Severability

If any part or provision of this Law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances and the Town Board hereby declares that it would have enacted this Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 1.5 Creation of Zoning Districts and Zoning Map

A. In order to carry out the purposes of this Code, zoning districts have been established as set forth in Article 3 of this Code.

B. The locations and boundaries of the aforesaid zoning districts are hereby established on a scaled map, entitled "Town of Caneadea Zoning Map," which is kept on file by the Town Clerk. This map is hereby made a part of this Law and shall have the same force and effect as if the zoning map together with all notations, references and other information shown thereon were fully set forth and described herein.

Section 1.6 Interpretation of Zoning District Boundaries

A. The zoning district boundary lines are intended to conform to existing property boundary lines, except when boundary lines follow a right-of-way line. However, when district boundary lines are located by specific dimensions, the dimensions shall control.

B. Where the zoning district boundary lines approximately follow the lot lines as they exist at the date of adoption of the Code, the district lines shall conform to the lot lines.

C. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, railroads, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines.

Section 1.7 Lots Located in More Than One Zoning District

When a lot is located in more than one zoning district, the regulations for each zoning district shall apply to that portion of such lot lying within such zoning district. In the event that the lot cannot conform to the regulations for each zoning district, the Town Planning Board, in accordance with the provisions applicable to Special Use Permits, shall apply a combination of Zoning District restrictions and requirements as it determines to be in the public interest.

Section 1.8 More Than One Principal Use per Lot

A. Other than a single family dwelling, more than one structure containing a principal permitted or special permitted use may be allowed on a single lot, provided that the yard and other requirements of this Law shall be met for each structure, as if they were located on individual lots. Where otherwise allowed in this Law, one principal building may contain more than one allowable use, such as offices and retail uses.

B. In all districts where single family dwellings are permitted, a lot may be developed for that use in accordance with the requirements of this Law, provided that there shall be no more than one single family dwelling unit on each lot. If two or more single family dwellings are proposed to be located on the same lot, a variance shall be obtained or the lot shall be subdivided and each new lot shall meet all the requirements of this Law, the Town’s Subdivision Regulations and other applicable Town regulations.

Section 1.9 State Environmental Quality Review

Prior to final action on any application required by this Zoning Law, the lead agency for such proposed action shall fully comply with the applicable provisions of the State Environmental Quality Review Act (SEQRA).

Section 1.10 County Referral

Whenever a matter is required to be referred to the County Planning Board pursuant to the provisions of Section 239-m of the New York State General Municipal Law, the appropriate town board or officer shall make such referral before taking final action pursuant to this Zoning Law.

Section 1.11 Fees

A. A schedule of fees for all permits and applications required by this Code shall be established by the Town Board by resolution. By a subsequent resolution the Town Board may from time to time, change the approved fee schedule.

B. SEQRA Fees may be required by the Town pursuant to Section 617.13 of 6 NYCRR Part 617, the New York State Environmental Protection Section Quality Review Act (SEQRA). The Town shall charge a fee to the applicant to cover the actual costs of preparing or reviewing a draft and/or final Environmental Impact Statement (EIS). The applicant shall not be charged for both the preparation and review of the EIS. If the applicant prepares the EIS, the Town shall charge the applicant for the actual cost of the review. If the applicant does not prepare the EIS, the Town shall charge the applicant for the actual cost of preparing the EIS.

Section 1.12 Court Review

Any person or persons, jointly or severally aggrieved by any decision rendered pursuant to this Zoning Law, may, after exhausting all available administrative remedies, apply to Supreme Court for review by a proceeding under article seventy-eight of the civil practice law and rules.