

## **TOWN OF WESTFIELD**

### **LOCAL LAW NO. 2 FOR THE YEAR 2022 ADOPTING OMNIBUS AMENDMENTS TO THE TOWN CODE AND ZONING CODE**

Pursuant to Section 10 of the Municipal Home Rule Law, be it enacted by the Town of Board of the Town of Westfield, County of Chautauqua and State of New York, as follows:

#### **SECTION 1. AUTHORITY.**

This local law is promulgated pursuant to the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(10);
2. New York Statute of Local Governments, §10(1) and (7);
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);
4. New York Town Law §130 (11)(peace, good order and safety), (15)(promotion of public welfare); and
5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(general powers).

#### **SECTION 2. DEFINITIONS.**

Section 185-13 of the Town of Westfield Zoning Law is hereby amended to insert the following definitions, in the appropriate alphabetical position:

##### **CAMPGROUND**

Two or more cabins and/or space for two or more tents, travel or camping trailers, shelters, houseboats, or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

##### **COMMERCIAL RECREATION**

Recreational activities including, but not limited to, ball fields, playing fields, batting cages, golf courses and driving ranges, tennis, racquet courts, swimming, bike trails, hiking, and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include customary accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. This use shall not include racetracks; go-cart, motorcycle, remote controlled aircraft, ATV tracks or any other outdoor use involving motorized vehicles or equipment; gun clubs; and shooting ranges. This use may include land, buildings and facilities operated by a membership corporation, association, or fraternal order for the use and benefit of members and their guests primarily for the purpose of accommodating recreational athletic, social, literary or similar activities purposes, including golf clubs, country clubs, tennis and swimming clubs and similar facilities, provided that the primary purpose of such facilities is not to provide overnight accommodations for members.

**GREENHOUSE:**

A. RESIDENTIAL - An accessory structure typically enclosed with glass, plastic, or similar translucent materials within which agricultural or horticultural products are grown for personal or non-commercial use.

B. COMMERCIAL - A primary use structure typically enclosed with glass, plastic, or similar translucent materials within which agricultural or horticultural products are grown for retail or wholesale sale, and which includes appropriate areas for parking, loading and storage, office, and customers.

**SECTION 3. CAMPGROUNDS.**

A new Section 185-43(O) is hereby added to the Town of Westfield Zoning Law, which shall provide as follows:

O. Campgrounds.

(1) Purpose. For the purpose of protecting properties adjacent to campgrounds from indiscriminate placement, unsightliness, noise, and related health and safety problems, etc., the following rules and standards shall apply.

(2) Definitions. See § 185-13.

(3) Regulations. Campgrounds shall be permitted by Special Use Permit in the Residential-Agricultural and Residential-Lakeside Districts, provided that the following standards are observed

(a) The parcel on which a campground is located must be at least 5 acres in size.

(b) All provisions of the Sanitary Code or such other regulations of the State Health Department pertaining to campgrounds shall be complied with.

(c) The number of persons to be accommodated shall not exceed one person per 10,000 square feet of area within such grounds.

(d) No campsite or camp structure shall be located within 100 feet of any highway and 100 feet of any other property line.

**SECTION 4. CAMPGROUNDS IN THE R-L DISTRICT.**

A new Section 185-19(D)(11) is hereby added to the Town of Westfield Zoning Code to permit campgrounds by special use permit in the Residential-Lakeside (R-L) District by Special Use Permit, which shall provide as follows:

(11) Campground.

**SECTION 5. CAMPGROUNDS IN THE R-A DISTRICT.**

A new Section 185-24(J)(34) is hereby added to the Town of Westfield Zoning Law to permit campgrounds by special use permit in the Residential-Agricultural (R-A) District by Special Use Permit, which shall provide as follows:

- (34) Campground.

**SECTION 6. COMMERCIAL RECREATION IN THE R-L DISTRICT.**

Section 185-19(D) of the Town of the Town of Westfield Zoning Law is hereby modified so that Subsection (2) thereof provides as follows:

- (2) Commercial recreation.

**SECTION 7. RESIDENTIAL GREENHOUSES.**

A new Section 185-15(F) is hereby added to the Town of Westfield Zoning Law to permit residential greenhouses in the Residential (R-12) District by right, and, by extension also in the Residential-Lakeside (R-A) District and Residential-Agricultural (R-A) District, which shall provide as follows:

- (F) Residential greenhouse.

**SECTION 8. COMMERCIAL GREENHOUSES IN THE C DISTRICT.**

A new Section 185-29(16) is hereby added to the Town of Westfield Zoning Law to permit commercial greenhouses in the Commercial (C) District, which shall provide as follows:

- (16) Commercial greenhouse.

**SECTION 9. COMMERCIAL GREENHOUSES IN THE L-I DISTRICT.**

A new Section 185-40(B)(9) is hereby added to the Town of Westfield Zoning Law to permit commercial greenhouses in the Light-Industrial (L-I) District, by Special Use Permit, which shall provide as follows:

- (9) Commercial greenhouse.

**SECTION 10. TRAVEL TRAILERS**

Article VI of the Town of Westfield Code is hereby amended to provide as follows:

**Article VI. Travel Trailers**

**§ 115-16. Duration of stay.**

A. No travel trailer shall be permitted to remain occupied upon any premises, other than in a preestablished or properly permitted mobile home park, for a longer period than four months in any twelve-month period. Occupant must prove legal disposal of waste.

B. Any travel trailer used for temporary residential occupancy as permitted by Subsection A above shall not be rented or leased for a fee, either for long-term or short-term rental.

**§ 115-17. Exemption.**

This chapter does not apply to travel trailers located in preestablished and properly permitted trailer parks or camping areas that have regularly maintained trailer parking areas and sanitation systems approved by the New York State Health Department.

**§ 115-18. Placement; nonconforming locations.**

- A. No travel trailer shall be placed for more than seven days, and no landowner shall permit a travel trailer to be placed for more than seven days, within 40 feet from the edge of any road right-of-way owned by the State of New York, County of Chautauqua or Town of Westfield.
- B. Travel trailers stored or occupied in a nonconforming location, within 40 feet of a road right-of-way owned by the State of New York, County of Chautauqua or Town of Westfield, may continue to be stored in such location only if the Town of Westfield Code Enforcement Officer determines that there is no location further from the road that is usable.

**SECTION 11. VALIDITY AND SEVERABILITY.**

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

**SECTION 12. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.