
Town of DeWitt
Local Law # 7 of the Year 2008
A Local Law Regarding Residential Vehicle Storage and Overlay District

Be it enacted by the Town Board of the Town of DeWitt as follows:

Section 1. Title

This local law shall be referred to as "Local Law Regarding Residential Vehicle Storage and Overlay District".

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of DeWitt (also referred to herein as the "Town") to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of DeWitt adopted a Comprehensive Plan in 2002 and in said Plan authorized a thorough updating of the 1967 Zoning Ordinance and related land use portions of the DeWitt Code. By Town of DeWitt Local Law # 6 of the year 2007, the Town of DeWitt implemented the Comprehensive Plan which Local Law repealed Chapters 3, 37, 86, 97, 114, 130, 151, 167 and 192 of the Code of the Town of DeWitt in their entirety and adopted a new, reenacted Chapter 192. As part of the dictate of the Comprehensive Plan of the Town, the Town also undertook a thorough review of the zoning districts of the town and ultimately adopted Town of DeWitt Local Law # 3 of the year 2008. The Zoning Update Committee appointed by the Town Board to make recommendations relative to the adoption of the above two mentioned Local Laws continued its work in reviewing zoning code sections which were adopted as part of Local Law # 6 of the year 2007 to determine their appropriateness and effectiveness. Additional matters which were raised during the public comment period for adoption of Local Law # 6 of the year 2007 were also reviewed during this time by the Zoning Update Committee. One of the areas which were studied was that of Residential Vehicle Storage. The result of said study was presented to the Town Board for consideration with the resulting code section modifications and changes as set forth herein.

Section 3. Legislative Findings.

The need to regulate the storage of oversized and recreational vehicles in residential areas of the town has long been a concern of the Town. This legislation imposes restrictions on the storage of such vehicles to maintain the quality of the neighborhoods in the town. The Board finds that the majority of the public in the town supports the proposition that residential neighborhoods should not be encumbered by the outdoor visual burden of oversized vehicles being stored at residences. At the same time, this legislation recognizes that some neighborhoods, as a whole, may find it appropriate to their neighborhoods and the lifestyle of their neighbors to allow for rules different from the town as a whole. Accordingly, this legislation provides for overlay districts that would relieve neighborhoods from such restrictions if the overlay is properly enacted. This legislation is in furtherance of meeting the goals of the Comprehensive Plan of the Town in addressing areas of concern to residential neighborhoods and developing a comprehensive, updated and orderly Zoning Code for the Town.

Section 4.

The following section is deleted from Chapter 192 of the Code of the Town of DeWitt "Zoning":

§192-105 A. (3)

Section 5.

The following sections shall be added to Chapter 192 of the Code of the Town of DeWitt, "Zoning":

§192-79.1 Residential Vehicle Storage.

A. No commercial or recreational motor vehicle, other machinery or equipment shall be parked or stored out of doors in residential districts except in the rear yard within five (5) feet of the principal dwelling, within the extended lines from the sides of the residence, and no closer than five (5) feet to the side or rear property lines.

1. Exceptions:

(a) A recreational vehicle may be parked on a driveway up to ten (10) days during any calendar year. This can be a single vehicle for ten days or multiple vehicles but only for a total of ten "recreational vehicle days", i.e. the sum of the number of recreational vehicles times the number of days each is stored shall not exceed ten (10).

2. Personal use vehicles for the regular and continuous use of a resident shall be parked on an approved paved driveway or in a garage in a residential district.

3. The following commercial motor vehicles for the regular and continuous use of a resident may be parked on an approved paved driveway or in a garage or other shelter in a residential district: vehicles of less than ten thousand (10,000) pounds vehicle weight and no more than two (2) axles and six (6) tires.

B. §192-79.1 Residential Vehicle Storage shall become effective January 1, 2010.

§192-79 Storage of junk motor vehicle, equipment and unlicensed vehicles.

B. In a residential district, unless stored inside a building, the keeping of unlicensed motor vehicles in operating condition or junk motor vehicles or equipment is not allowed.

§192-64.2 Residential Vehicle Storage Overlay District.

A. Purpose. In order to address the issue that residential vehicle storage, as addressed in §19279.1, may be too restrictive in certain residential district areas within the Town where a neighborhood may benefit from a more relaxed standard as relates to residential vehicle storage, and in order to address the best interests of good planning to reduce certain restrictions relating to residential vehicle storage in those areas, this procedure has been established.

- (1) Owner-occupants of single family dwellings in a residential district may apply to the Department for the establishment of a Residential Vehicle Storage Overlay District which will affect contiguous properties as defined below. The application must include the signatures and addresses of no less than fifty (50) owners of owner-occupied single family dwellings in a contiguous area. If there is more than one (1) owner of any one such dwelling who signs the application, only one (1) signature shall count as one (1) of the required fifty (50) owner-occupant signatures.
 - (a) The Department will forward the application to the Planning Board with its recommendation of the minimum area to be included in the proposed Overlay District (hereinafter the "Excluded Area").
 - (b) The Planning Board, taking into accounts the Department's recommendation, will propose an initial minimum boundary of the Excluded Area. The following criteria shall be considered by the Planning Board:
 - i. Properties to be included shall be contiguous and generally share common characteristics, goals for aesthetics and economics, i.e., a neighborhood.
 - ii. The boundaries of the Excluded Area shall follow street centerlines or prominent natural boundaries, and include whole blocks.
 - iii. All contiguous properties to the boundaries will be included. A minimum of one hundred (100) lots with occupied homes is required for an Excluded Area, unless a lesser quantity is clearly dictated by prominent natural or manmade boundaries.
 - (c) The Planning Board will hold an informational hearing on the proposed Excluded Area. Each dwelling, including those within three hundred (300) feet of the proposed boundaries, will be notified of the meeting. Taking into consideration the results of the informational hearing, the Planning Board will define the proposed Excluded Area.
- (2) Thereafter, no less than fifty-one percent (51%) of the residential properties in the proposed Excluded Area shall petition the Town Board. The Town Board may hold a public hearing following the submission of a Planning Board recommendation and enact, deny or modify the Residential Vehicle Storage Overlay District for the Excluded Area.
- (3) If the Town Board establishes said Overlay District, the following shall be applicable to that Excluded Area:
 - (a) §192-79.1 shall not apply.
 - (b) The keeping of unlicensed motor vehicles in operating condition or junk motor vehicle or equipment may be permitted if the following conditions are met:
 - i. Junk motor vehicle, seasonal vehicle or equipment is stored inside a building; or
 - ii. For the temporary outdoor storage for less than six months in one year of one (1) operable unlicensed motor vehicle, seasonal vehicle or equipment on an approved driveway or related apron
 - (c) Personal-use commercial vehicles less than 22 feet in length and recreational vehicles may be parked or stored indoors or in the front yard or side yard, provided the vehicles are:

- i. Located on a permitted driveway or related apron no closer than five (5) feet to a fully screened property line nor further than five (5) feet from the house; and
- ii. Are inspected, registered and licensed.

Section 6.

The Table of Contents of Chapter 192 of the Code of the Town of DeWitt shall be modified to add the following to Article XV, Overlay District:

"192-64.2 Residential Vehicle Storage Overlay District"

Section 7.

The Table of Contents of Chapter 192 of the Code of the Town of DeWitt shall be modified to add the following to Article XV, Overlay District:

"192-79.1 Residential Vehicle Storage"

Section 8.

Article II, Establishment of Districts, § 192-10 of the Code of the Town of DeWitt shall be modified to add the following: "M (3). Residential Vehicle Overlay District".

Section 9.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 10.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.