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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

2 of the year 20 26

Local Law Title: A LOCAL LAW TO AMEND CHAPTER 165 ("ZONING") OF THE CODE OF THE TOWN OF CAZENOVIA WITH RESPECT TO LAKEFRONT PROPERTIES

Be it enacted by the _____ **Town Board** _____ of the
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of _____ **Cazenovia** _____ as follows on the attached pages:
(Name of Local Government)

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Department of State Local Law Index Number: _____ of the year 20 _____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

SECTION 1. AUTHORITY

This local law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law §10 and Town Law §263.

SECTION 2. PURPOSE & INTENT.

The Town of Cazenovia acknowledges that Cazenovia Lake represents one of the Town's most valuable and most vulnerable assets. The Town of Cazenovia's current and proposed Comprehensive Plans have recognized the sensitivity of development in, on and around the Lakefront and the need for a balance in the protection of Cazenovia Lake (including its aesthetic benefits as part of the built landscape as viewed from the Lake) with the ability of residents to fully enjoy their properties. In that regard, the Town Board of the Town of Cazenovia finds that amending its current Code regarding lakefront properties will assist in meeting this balance and is therefore reasonable and appropriate.

Members of the Cazenovia Advisory Conservation Commission ("CACC"), as well as representatives from the Town's Planning Board, have studied the existing land area watershed surrounding the Lake. The Town has utilized the assistance of Madison County mapping to examine the proportionate size of lots contained within the Lake Watershed system. The mapping and data provided demonstrate the diversity of large and small lots adjoining the Lake's edge, as well as throughout the Lake Watershed system. It is recognized that many of the smaller lots located adjacent to the Lake's edge should be regulated within the context of their size and limitations that are provided to those owners. Many owners are constrained by those existing sized lots and there are limited opportunities to expand same. The importance of protecting the Critical Environmental Area zone of the Lake is paramount and it is believed that a graduated system for allowable percentages in surface impervious coverage would provide a fair opportunity for property owners to enjoy their property, while at the same time preserving the integrity of the Watershed and the Lake itself.

There are a total of 258 lots between the main roads surrounding Cazenovia Lake and the Lake itself. At the time of this Law's passage there are currently 206 lots which are 2 acres or less (≤ 2) in size and 52 lots which are greater than 2 acres (>2). Approximately 75% of the lots on the west side of the Lake and approximately 89% of the lots on the east side of the Lake are 2 acres or less (≤ 2) in size. It is believed that these figures justify treating lots of 2 acres or less (≤ 2) through an adjusted schedule of allowable development versus the larger lots.

SECTION 3. AMENDING SUBSECTION B OF §165-19 ("LOT AREA AND YARD REGULATIONS") OF ARTICLE VI ("LAKE WATERSHED AND RIPARIAN CORRIDOR (LW&RC) DISTRICT") OF CHAPTER 165 ("ZONING")

Section 165-19 ("Lot area and yard regulations") of Article VI ("Lake Watershed and Riparian Corridor (LW&RC) District") of Chapter 165 ("Zoning") of the Code of the Town of Cazenovia is hereby amended by deleting Subsection B ("Minimum/Maximum height") in its entirety and replacing said Subsection B with the following:

- "B. *Minimum/Maximum height:* No structure, other than a church or school, shall be erected or altered to a height in excess of 35 feet (as measured to the highest point of the roof); one-story minimum. However, notwithstanding the above, where the subject lot is 2 acres or less in lot area, structures and buildings located on parcels which physically front on and abut the shoreline of Cazenovia Lake shall not exceed 28 feet in height, as measured to the highest point of the roof" from the lowest point of the ground (on the lake facing side of the structure) upon which the structure is erected."¹

¹ See definition of "Height" at §165-61 ("Building Height").

SECTION 4. AMENDING SUBSECTION F OF §165-19 (“LOT AREA AND YARD REGULATIONS”) OF ARTICLE VI (“LAKE WATERSHED AND RIPARIAN CORRIDOR (LW&RC) DISTRICT”) OF CHAPTER 165 (“ZONING”)

Section 165-19 (“Lot area and yard regulations”) of Article VI (“Lake Watershed and Riparian Corridor (LW&RC) District”) of Chapter 165 (“Zoning”) of the Town Code of the Town of Cazenovia is hereby amended by deleting Subsection F (“Minimum side yard setback depth”) in its entirety and replacing said Subsection F with the following:

“F. Minimum side yard setback depth:

- (1) 25 feet for all parcels not physically fronting on or abutting the shoreline of Cazenovia Lake and for those parcels which do physically front on or abut the shoreline of Cazenovia Lake but which are more than 2 acres in lot area;
- (2) 15 feet for all parcels physically fronting on or abutting the shoreline of Cazenovia Lake which are equal to or less than 2 acres in lot area and which also possess less than 100 feet of lake frontage.
- (3) 25 feet for all other parcels.”

SECTION 5. AMENDING SUBSECTION G OF §165-19 (“LOT AREA AND YARD REGULATIONS”) OF ARTICLE VI (“LAKE WATERSHED AND RIPARIAN CORRIDOR (LW&RC) DISTRICT”) OF CHAPTER 165 (“ZONING”)

Section 165-19 (“Lot area and yard regulations”) of Article VI (“Lake Watershed and Riparian Corridor (LW&RC) District”) of Chapter 165 (“Zoning”) of the Town Code of the Town of Cazenovia is hereby amended by deleting Subsection G (“Minimum rear yard setback depth”) in its entirety and replacing said Subsection G with the following:

“G. Minimum rear yard setback depth:

- (1) *Non-lakefront lots*: 50 feet.
- (2) *Lakefront lots of 2 acres or less (≤ 2)*: No structures and no part of any structure may be constructed on existing lots of record (and on newly created lots) within 50 feet of the mean high watermark² of Cazenovia Lake and no septic system may be constructed within 100 feet of the mean high watermark of Cazenovia Lake, except as otherwise expressly set forth in the Code of the Town of Cazenovia. However, structures on such lots may be approved for construction by the Town’s Planning Board within the areas set forth in Appendix “___,” up to the maximum coverage as set forth in Chapter 107 and subject to all other restrictions contained in this Code and the Town of Cazenovia Lakefront Development Guidelines.
- (3) *Lakefront lots greater than 2 acres (> 2)*: No structures and no part of any structure may be constructed within 100 feet of the mean high watermark of Cazenovia Lake and no septic system may be constructed within 100 feet of Cazenovia Lake except as otherwise expressly set forth in the Code of the Town of Cazenovia and the Town of Cazenovia Lakefront Development Guidelines.”

² Historically defined as the established mean high watermark of Cazenovia Lake at an elevation of 1,193.1’ and which shall be set forth on any required survey and/or plan drawings for reference.

SECTION 6. AMENDING §165-19 (“LOT AREA AND YARD REGULATIONS”) OF ARTICLE VI (“LAKE WATERSHED AND RIPARIAN CORRIDOR (LW&RC) DISTRICT”) OF CHAPTER 165 (“ZONING”)

Section 165-19 (“Lot area and yard regulations”) of Article VI (“Lake Watershed and Riparian Corridor (LW&RC) District”) of Chapter 165 (“Zoning”) of the Town Code of the Town of Cazenovia is hereby amended to include a new Subsection H, titled “Structures in the Critical Environmental Area of Cazenovia Lake,” to read in its entirety as follows:

- “H. Structures in the Critical Environmental Area of Cazenovia Lake: The area of Cazenovia Lake which has been established as a Critical Environmental Area (*i.e.*, the first 20 feet from the lake mean high watermark) is an environmentally sensitive and protected area and the following shall apply to all lake fronting parcels with *2 acres or less* of overall lot area:
- (1) No new structures are permissible in the established Critical Environmental Area other than an impervious path or walk as approved by the Town of Cazenovia Planning Board and shall be solely for the purposes of ingress and/or egress for lake access and for no other purposes. (*See Chapter 107*).
 - (2) All such land disturbances for ingress and/or egress in the Critical Environmental Area shall require site plan approval from the Town of Cazenovia Planning Board.”

SECTION 7. AMENDING §165-61 (“DEFINITIONS”) OF CHAPTER 165 (“ZONING”)

Section 165-61 (“Definitions”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by deleting the term “Building Height” in its entirety and replacing said term with the following definition to be included as follows:

“BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof. The height of buildings on lake fronting lots shall be measured from the lowest point to the highest point of the roof on the lake side of the building.”

SECTION 8. AMENDING §165-61 (“DEFINITIONS”) OF CHAPTER 165 (“ZONING”)

Section 165-61 (“Definitions”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by adding the term “Mean High Watermark” with the following definition to be included as follows:

“MEAN HIGHWATER MARK

The established and confirmed point located along the edge of Cazenovia Lake determined to be at an elevation of 1,193.1’. Such location shall be determined/detailed on any map or plan by a competent professional or engineer.”

SECTION 9. CONFLICT WITH STATE LAWS.

To the extent that any provisions of this Chapter are inconsistent with any New York State law or provision, including but not limited to the New York State Town Law Executive Law or similar provisions relating to lakefront property development, the Town Board of the Town of Cazenovia hereby declares its intent to supersede those sections of the Town Law pursuant to its home rule powers under Municipal Home Rule Law, Article 2, §10 et seq.

SECTION 10. VALIDITY & SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 11. EFFECTIVE DATE.

This Local Law shall be effective upon its filing with the New York Secretary of State.