

**Sec. 24-36. Generally.**

(a) The town board may, from time to time, on its own motion or on petition in accordance with the applicable provisions of the Municipal Home Rule Law, after public notice and hearing, amend, supplement, change, modify or repeal this chapter. The petitioner shall pay a fee of two hundred dollars (\$200.00).

(b) Notice of public hearing shall be published in the official newspaper of the town at least five (5) days before the date of public hearing. The notice shall contain an abstract of the local law, and when a parcel is being rezoned to a different classification, the tax map number of the parcel and such other additional information as may be appropriate.

(c) After adoption, the local law shall be filed with the secretary of state and published by the secretary of state in accordance with the Municipal Home Rule Law.

(d) At the time of the public hearing on any zoning which is in regard to rezoning of any premises within the town to any classification other than RA-1 one-family residence district, there must be presented to the town board an affidavit stating that, not earlier than twenty (20) days nor later than ten (10) days prior to such hearing, written notice of the proposed rezoning has been mailed to the owners of the property within five hundred (500) feet of the premises to be rezoned, as the names and addresses appear on the last completed assessment roll, and listing all the names of the persons to whom the notice was mailed. The affidavit must be presented by the person seeking the rezoning, and if the rezoning is on the motion of the town board, such an affidavit must be presented by the town clerk.

(Code 1966, § 44-XII-1(A)-(D); L.L. No.4 of 1988, § 1; L.L. No.8 of 1997, § 1)

**Sec. 24-37. Information required on applications.**

(a) In addition to any other information required by this chapter, all applications for a zoning change to RA-1 one-family residence district, RA-2 one and two-family residence district, RC multiple residence district, RR rural residence district, C-1 general shopping district, C-2 community businesses district, CD commercial development district, I industrial district, or ID industrial development district shall supply the town board six (6) paper prints of the rezoning application

map. These prints shall be submitted with the petition for rezoning. The map shall indicate the following:

- (1) Boundary survey data.
- (2) Topographic contours.
- (3) Existing drainage features (e.g., culverts, marshes, ponds and streams).
- (4) Special site conditions (e.g., easements, power lines and structures).
- (5) Zoning district boundary (new and existing).
- (6) Relationship to the comprehensive plan for the area.
- (7) Proposed street and block layout, parking driveways and building locations with reference to surrounding properties and street patterns.
- (8) Proposed utilities and special district boundaries.
- (9) Proposed grades for site, including streets, utilities and drainage.
- (10) Key map; general location in town.

(b) Any of the above required information may be waived by the town board on petition of the applicant or on its own motion.

(Code 1966, § 44-XII-1(E))

**Sec. 24-38. Sewerage requirements for rezoning.**

(a) No property shall be rezoned from RR rural residence district to any classification unless, either:

- (1) Public sewer has been extended across the frontage of the property along any existing or proposed street or proposed extension of any street; or
- (2) A performance bond is given to the town in amount determined by the town engineer to be sufficient to cover the cost of extending the public sewer across the frontage of the property along any existing or proposed street or proposed extension of any street; and the petition recites that the bond has been presented to the

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town pursuant to this section, and that a copy thereof is attached to the petition; or

- (3) The petition contains a covenant which states that pursuant to this section that the property will be subdivided and will be developed only in compliance with the town subdivision regulations and the requirements of the town planning board. No parcel or any part thereof which has been rezoned pursuant to this subsection shall be developed without compliance.

(b) Where the rezoning is pursuant to the requirements of paragraph (a)(2) or (a)(3) of this section, a copy of the petition and of any performance bond shall be filed or recorded in the county clerk's office to place prospective purchasers on notice of such bond or commitment. Upon the conveyance of any property rezoned pursuant to paragraph (a)(2) of this section, the grantee shall give a performance bond to the town in an amount as determined by the town engineer which bond shall be filed or recorded in the county clerk's office. Upon receipt of the bond the prior bond shall be returned to the person who posted it or exchanged for a new bond where a portion of the property is retained by the grantee.

(c) The town may require an increase in the amount of any performance bond given pursuant to this section at any time the town engineer certifies that an increase is required. A copy of the new bond shall be recorded in the county clerk's office.

(d) Any performance bond given under this section shall be written by a company licensed by the state to engage in the business of writing such bonds and shall be in a form satisfactory to the town attorney.

(e) The town board, by a resolution stating the reasons therefore and approved by at least four (4) affirmative votes, may waive all or any part of the requirements of this section as to all or any part of any parcel.

(Code 1966, § 44-XII-2)

**Secs. 24-39-24-47. Reserved.**