

§164-10 Authority

This Law is hereby adopted pursuant to the authority and power granted by Municipal Home Rule of the State of New York, Article 2, Section 10, et seq. and for the purposes enumerated in Chapter 16, Article 16 of the Town Law of the State of New York.

§164-11 Purposes

This Zoning Law is enacted to promote and protect the public health, safety, convenience, aesthetics, natural, agricultural, and cultural resources, amenities, and general welfare of the people. This Zoning Law is intended to be consistent with the Town of Warwick Agricultural and Open Space Preservation and Acquisition Local Law and to implement the Town's planning goals and objectives as expressed in the *Town of Warwick Comprehensive Plan* as follows:

- A. Protect and enhance the rural character and quality of life in the Town.
- B. Support the economic viability of farming.
- C. Preserve as many of the operating farms as possible.
- D. Preserve the agricultural heritage of the Town.
- E. Encourage new development that is compatible with farming activities.
- F. Concentrate denser residential development around the villages and the hamlets, and maintain rural densities in the remainder of the Town.
- G. Stimulate a diversity of housing types and increase the stock of affordable homes.
- H. Encourage a mixed-use pattern of development, where appropriate, in and around the hamlets and adjacent to the villages.
- I. Assure that the Village and hamlet centers remain as the focus for retail and service industry development.
- J. Provide for commercial development next to existing commercial and industrial uses.
- K. Encourage alternatives to typical modern highway oriented commercial development.
- L. Support small locally owned businesses and retail centers which are in character with the Town's largely rural environment.
- M. Create a commercial atmosphere friendly to small business and home occupations.
- N. Maintain and expand public access to Greenwood Lake and develop access to other water bodies.
- O. Support preservation of open space especially in environmentally sensitive areas.
- P. Reduce traffic congestion.
- Q. Promote public transit.
- R. Encourage alternatives to the automobile such as walking, bicycling and commuter car/van pooling.
- S. Improve coordination between various means of transportation.
- T. Allow infrastructure development in areas targeted for growth while maintaining overall density in the Town.
- U. Protect the natural scenic quality of the Town and environmentally sensitive areas.
- V. Ensure that groundwater quality meets Safe Drinking Water Act quality standards and that an adequate amount of water will be available to provide for future needs.
- W. Protect surface and ground waters from point and non-point source pollution.
- X. Protect habitats for the diversity of existing flora and fauna in Warwick.
- Y. Protect wetlands as important environmental resources.
- Z. Use every available mechanism to maximize coordination between the Town and three villages with regard to land use planning, transportation infrastructure, economic development, provision of recreational facilities, expansion of water and sewer facilities, regulation of utility, communication and power franchises, solid waste disposal, and all other aspects of community life.

§164-12 How To Use This Zoning Law

This Law divides Warwick into zoning districts and establishes rules for the use of land in each district. Information in this Zoning Law can be found as follows:

- A. Go to the Use Table in Article IV, Zoning Districts and Map, to find out what uses are allowed in each district. The definitions found in Article II explain what the different use categories mean. The Table of Bulk Requirements in Article IV contains lot size, setback, and other requirements relating to development of lots.
- B. Article IV contains regulations that apply to specific types of uses and structures, special uses, and the procedures used to apply for and obtain approvals from the Town Planning Board.
- C. In Article V, you will find the procedures for applying for building permits and certificates of occupancy, responsibilities of the Town's Code Enforcement Officer, how to apply for variances from the Zoning Board of Appeals, and the consequences of not complying with this Zoning Law.

§164-13 Title

This Local Law is officially titled "The 2001 Zoning Law of the Town of Warwick, New York", and shall be known as the "Zoning Law". The official map designating the various regulating districts shall be titled the "Town of Warwick Zoning Map", and shall be known as the "Zoning Map."

§164-14 Jurisdiction

These regulations govern the use, development, and protection and of all land and structures within the unincorporated areas of the Town of Warwick, New York, said territory being indicated on the Zoning Map as is on file at the Warwick Planning Department. This map and its boundaries shall be incorporated and made part of this Law.

§164-15 Severability

If any Section or specific part or provision or standard of this Local 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 Local Law or the application thereof to other persons or circumstances and the Town Board hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent. If any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

§164-16 Supersession of Inconsistent Laws, if any

The Town Board hereby declares its legislative intent to supercede any provision of any local law, rule, or regulation or provision of the Town Law inconsistent with this Local Law. The Town Law provisions intended to be superseded include all of Article 16 of Town Law, §§ 261 to 285 inclusive and any other provision of law that the Town may supercede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply it in the event the Town has failed to specify any provision of law that may require supersession. The

Town Board hereby declares that it would have enacted this Local Law and superceded such inconsistent provision had it been apparent.

§164-17 Effective Date

These regulations shall become effective immediately.

01/24/02