

**INCORPORATED VILLAGE OF OLD FIELD
BOARD OF TRUSTEES**

Proposed Local Law No.07B of 2025 amending Chapter 121 of the Village Code (Zoning) to address substantial alteration/substantial clearing of diverse natural habitat and preservation of natural habitat area

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Old Field as follows:

Section 1. Enactment.

Chapter 121 of the Village Code entitled "Zoning" is hereby amended as follows, and as set forth hereinbelow:

Section 121-2 "Legislative Purpose" is amended to include additional description(s) of the legislative purpose of the Zoning Code.

Section 121-5 "Word usage and definitions" is hereby amended to include additional definitions as set forth hereinbelow.

Section 121-22 "Fencing" is amended to contain a clarification with respect to Deer Fencing.

Last, a new code section 121-21.2 "Preservation of Natural Habitat Area" is created pursuant to this Local Law.

§ 121-2. Legislative purpose.

- A. These regulations have been made in accordance with a comprehensive plan for the improvement of the Village and its future growth, protection and development and with reasonable consideration, among other things, to the character of the Village and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village that sustain its environment and ecological functions. These regulations have also been made with reasonable consideration of the semirural nature of the Village, the nature of the terrain thereof, the topographical features and character of the land, the suitability of the land therein for particular purposes, the location of the Village in relation to Long Island Sound, the bodies of water within the Village and the character of the neighboring communities and with regard to existing uses and structures in such neighboring and adjacent communities and to the availability of land therein for higher-density commercial, business and industrial purposes.

- B. The regulations are designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to conserve and protect the existing essential character thereof as a wholly residential low-density Village; to avoid undue concentration of population; to preserve the local ecosystem; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to stabilize and conserve property values therein.

§ 121-5. Word usage and definitions.

- A. Words in the present tense include the future; words in the singular include the plural number and words in the plural number include the singular; the word "lot" includes the words "plot" and "parcel"; the word "shall" is mandatory and not discretionary; the word "person" includes a corporation as well as an individual; and the words "used" and "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied, or offered for occupancy.
- B. As used in this chapter, the following terms and words shall have the meanings herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

(NEW CODE DEFINITIONS)

BUFFER - A vegetated land area that serves a transition between different land uses, for example between a developed residential parcel of land and an adjacent residence, waterbody, roadway, or parkland. Buffers serve multiple purposes, for example but not limited to, (a) maintaining visual and noise privacy between residents; (b) serving as undisturbed habitat that can absorb surface water runoff; and (c) maintaining the bucolic, rural atmosphere in the Village, especially along the roads. The composition of buffers can vary from easily sustainable undisturbed diverse natural habitat to planted trees and understory vegetation.

DIVERSE NATURAL HABITAT - Landscape consisting of an undisturbed mixture of non-invasive vegetation, such as, but not limited to, trees with an understory of woody vegetation or meadows of low-lying mixture of herbaceous graminoid species.

DIVERSE NATURAL HABITAT AREA - The aggregate of the entire horizontal cross-section area within lot lines, excluding any parts that are improved surfaces, building cover, substantially altered landscape including monoculture lawns, access road, parking area, improved area which is not a driveway for single use in connection with the lot.

LAWN - Landscape covered by a monoculture of turf grass.

INVASIVE SPECIES - Are species that are non-native to the ecosystem under consideration, and whose introduction or excessively aggressive propagation causes or is likely to cause economic or environmental harm or harm to human health. The Village shall maintain the list of invasive species whose eradication is promoted.

UNIMPROVED REAL PROPERTY - Any real property on which no residential structure, clubhouse, impervious surface, or other place of public assembly has been erected.

§ 121-22. Permit required for certain fences and walls.

- A. No fence or wall shall be constructed, installed or erected within the minimum front yard, rear yard or side yard setback without first obtaining a permit from the Building Inspector. Fences over 6 feet intended to limit wildlife movement are addressed in Chapter 122 "Deer Fencing."

§ 121-21.2. Preservation of Natural Habitat Area.

The extent to which diverse natural habitat area shall be preserved from permitted substantial alteration is proportional to the extent to which the unimproved real property is proposed to be covered by lawn. If diverse natural habitat buffers of at least 20' width will not exist along the side and rear yard borders, then the extent of unimproved real property to be covered by lawn shall remain less than 34%. If 20' buffers will be present, then the extent of unimproved real property to be covered by lawn shall remain less than 50%. This percent of area coverage criterion shall apply to proposed activities that result in creating new lawn areas or expansion of existing lawn areas occurring after the effective date of this Ordinance. Absent any proposed site development activity, properties covered by pre-existing lawns as of the effective date of this Ordinance shall not be required to be brought into compliance with the provision of this Section. The criterion will apply to proposed site development that would result in expansion of the areal extent of lawn.

Section 3. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

Section 4. Effective date.

This local law shall take effect immediately upon filing with the New York Secretary of State.