

**LOCAL LAW NO. __ OF 2015 OF THE TOWN OF BALLSTON
TO AMEND CHAPTER 104 OF THE TOWN CODE (“SUBDIVISION OF LAND”) RELATIVE TO FLAG LOTS**

BE IT ENACTED by the Town Board of the Town of Ballston as follows:

1. Authority

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law and Section 276 of the Town Law.

2. Purpose

This local law amends Chapter 104 of the Town Code of the Town of Ballston (Subdivision of Land) to address development standards related to flag lots.

3. Section 104 (12) (E) of the Town Code of the Town of Ballston is hereby amended to read as follows:

E. Flag lots.

1. Flag lots may be used in rare instances when required due to unusual conditions of the area or lot configuration or In the opinion of the Planning Board, the character of the land precludes typical subdivision development, or a unique and desirable lot can be created. Flag lots shall not be created for any use other than a single-family dwelling. The purpose of creating the flag lot is not to circumvent typical subdivision with internal street development.
2. The Planning Board, in its sole discretion, may approve the inclusion of one or more flag lots within any proposed minor subdivision. Flag lots shall not be permitted in major subdivisions.
3. In making its determination of allowing the inclusion of flag lots, the Planning Board will review
 - a. the general design and configuration of the subdivision,
 - b. the site topography and impact on adjoining properties along with those proposed in the subdivision in order to ensure that the flag lot is properly designed.
4. Flag lots shall only be allowed in the Rural District and shall have a minimum lot size of two acres with a minimum frontage access of 60 feet, taken at the highway line.
5. Where shared driveway access is proposed, the minimum frontage shall allow an aggregate minimum of 60 feet with no individual parcel having less than 20.
6. For any minor subdivision that proposes to include a flag lot, all housing envelopes must be shown on the plat and the flag lot housing envelope must be at a minimum of 150 feet from any other proposed housing envelope or existing house and a minimum front yard setback of 100 feet, taken at the closest rear yard property line of the abutting parcel(s).
7. Flag lots may be approved with or without shared driveways.
- 1-8. All driveways to flag lots shall be constructed and maintained to meet the Town of Ballston Driveway Standards (Chapter 138-117).
9. Flag lots shall not prevent access to farm fields and shall not negatively impact the continuing use of farmland.

4. Update Use Tables to Allow for Flag Lots

Delete Note 2 (New flag lots permitted in Rural Districts only) from all use tables

5. Supersession

All local laws and parts thereof inconsistent with this Local Law are hereby superseded.

6. Severability

If any part or provision 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 or provision or application directly involved and 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 of Ballston hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provisions been apparent.

7. Effective Date

This local law shall take effective immediately upon its filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.