

## LOCAL LAW NO. 2 OF 2013

### A LOCAL LAW EXTENDING THE MORATORIUM ON STREET LEVEL RESIDENTIAL DEVELOPMENT IN A PORTION OF THE VILLAGE OF PORT HENRY

**BE IT ENACTED BY THE VILLAGE OF PORT HENRY BOARD OF TRUSTEES AS FOLLOWS:**

**1. Title and Authority** - This Local Law shall be known as the Village of Port Henry Street Level Residential Development Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.

**2. Purpose** – (a) The downtown streets of the Village of Port Henry present a significant historic and architectural character which is essential to the continued development of the economy of the Village. This moratorium is necessary in order to temporarily restrict street level residential development in a portion of the downtown area to allow the Village Board time to prepare a Local Law or Ordinance to promote commercial development in order to maintain the principally commercial nature of this area. The Village Board has determined that commercial development in this area best enhances and protects the health, safety and welfare of the citizens of the Village of Port Henry.

(b) The Village Board previously imposed a moratorium on street level residential development on any property in the commercial area and on acceptance and review of applications for Development Plan Review under the Development Review Law of any such development. The Board has established a Zoning Commission and a draft Local Law is being prepared which addresses the Board’s concerns regarding development in that area, but the Board has determined that additional time is needed for drafting, review and finalization the draft Local Law to ensure that regulations governing development in that portion of the Village adequately enhance and protect the public health, safety and welfare of the citizens of the Village.

**3. Definitions** - “Commercial Area” means properties fronting on Main Street and on the portion of Broad Street between Main Street and College Street.

“Street Level Residential Development” means any construction or other activity that materially changes the use or appearance of the first story of a structure or portion of a structure, or the intensity of use of the first story of a structure or portion of a structure, for the purpose of establishing or expanding a residential use. Street Level Residential Development shall include, but shall not be limited to, new structures, renovations, changes in or expansions of existing structures, new uses, changes in or expansions of existing uses, demolition and facade or street front renovations.

**4. Extension of Moratorium** - The Village Board hereby extends the moratorium on Street Level Residential Development on any property in the Commercial Area from the expiration of the current moratorium extension on April 15, 2013 until October 15, 2013, and further provides that no application for Development Plan Review under the Development Review Law of any Street Level Residential Development within the Commercial Area will be accepted or reviewed by the Planning Board during that period.

**5. Further Extensions** - This moratorium may be further extended for such additional periods as the Village Board may determine to be necessary to protect the public health, safety, and welfare of the citizens of the Village and accomplish the purposes and intent of this Local Law.

**6. Variances** - The Village Board shall have the power, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Village or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Village Clerk. The Village Board shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

**7. Termination** - This moratorium may be terminated earlier than October 15, 2013 upon enactment of local legislation governing development within the Commercial Area.

**8. Severability** - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**9. Repealer** - All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local law are hereby repealed.

**10. Effective Date** - This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.