

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

JUL 20 2009

~~County~~
~~City~~ of Clay
Town
~~Village~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 2009

A local law Temporarily Amending Chapter 230 entitled 'ZONING' of the Code of
(Insert Title)
Town of Clay until August 31st, 2009

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Clay
Town
~~Village~~ as follows:

SEE ATTACHED LOCAL LAW

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2009 of the ~~(County)(City)~~ (Town)(Village) of Clay was duly passed by the Town Board on June 15th 2009, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

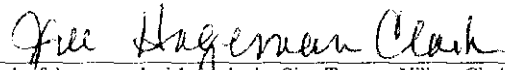
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
JILL HAGEMAN-CLARK
Date: June 24th, 2009

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature


ROBERT M. GERMAIN, TOWN ATTORNEY

Title

~~XXXX~~

~~City~~ of Town of Clay

Town

~~Village~~

Date: June 24th, 2009

AMENDMENT OF AN EXISTING CHAPTER

LOCAL LAW NO. 2 OF THE YEAR 2009

A LOCAL LAW TEMPORARILY AMENDING CHAPTER 230 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF CLAY.

BE IT ORDAINED AND ENACTED by the Town Board of the Town of Clay, Onondaga County, New York, as follows:

SECTION 1. AMENDMENT OF CHAPTER 230

That **Chapter 230** entitled "**ZONING**" of the Code of the Town of Clay is amended as follows:

Local Law No. 2 of the Year 2009 entitled "**A Local Law Temporarily Amending Chapter 230 entitled 'ZONING', of the Code of the Town of.**" The purpose of said local law provides for a temporary moratorium prohibiting the processing or granting of zone changes to the **R-APT, Apartment District**, by the Town Board, and prohibiting consideration or recommendations as to zone changes to the **R-APT, Apartment District**, by the Clay Planning Board for the development of land uses within the Town for apartments until **August 31st, 2009**. The **R-APT, Apartment District**, is currently being studied by the Zoning Committee.

Called Public hearing May 4th, 2009 for June 1st, 2009 at 7:35 P.M.
Public hearing notice published in Post Standard May 21st, 2009
Public hearing held on June 1st, 2009, commencing at 7:35 P.M.
Decision and SEQR approval passed by Town Board June 15th, 2009.
Local Law to NYS Department of State sent
Letter received from NYS re filed on _____ .

LOCAL LAW

A local law temporarily amending **Chapter 230** entitled "**ZONING**" of the Code of the Town of Clay.

SECTION 1. PURPOSE

That the purpose of this Local Law provides for a temporary moratorium prohibiting the processing or granting of zone changes to the **R-APT, Apartment District**, by the Town Board, nor shall the Planning Board of the Town of Clay consider recommendations as to zone changes for the development of land uses within the Town for **R-APT, Apartment District** until **August 31st, 2009**.

SECTION 2. LEGISLATIVE FINDINGS

- A. The Town of Clay in recent years has been subjected to rapid growth in the Town in order to provide residential, retail, commercial and other services to not only its own populace but also that of adjacent communities, including Oswego County.
- B. R-APT, Apartment District fails to give adequate guidance to meet present day needs as the demand for senior housing development increases. Planning must be undertaken anew so that the existing zoning code may be amended that will address the interaction of apartment uses with senior housing to create controls in order to achieve a more flexible density of land uses and means of access to our Town Highways. This zone would also allow for a variety of land uses, which cannot be found in the R-APT zoning district. Residential uses with commercial, create controls as to the density of land use, and provide better means of access to these arterial highways that will ensure a reasonable flow of traffic for the residents and users of our Town Highways.

SECTION 3. TIME PERIOD AND PROHIBITION

- A. As of the effective date of this local law, and until **August 31st, 2009**, the Clay Town Board shall not process nor grant approval of any zone changes for the **R-APT, Apartment District**, nor shall the Planning Board of the Town of Clay consider recommendation of any zone change as required by the Zoning Regulations of the Town of Clay for the use of any land or development thereof in those areas hereinafter designated by this local law.
- B. The prohibitions provided herein shall apply to all applications pending or filed with the Town for zone changes or site plan approvals where public hearings for same have not been scheduled prior to the adoption of this local law.

TOWN OF CLAY

SECTION 4. *EXEMPTIONS*

- A. The aforesaid prohibitions shall not apply to the development of any land within the designated areas where site plan approval is or has been granted prior to the effective date of this local law.

SECTION 5. *AREAS SUBJECT TO MORATORIUM*

The areas within which the provisions of this local law shall apply are located only within all borders of the Town of Clay.

SECTION 6. *UNCONSTITUTIONALITY OR ILLEGALITY*

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

SECTION 7. *EFFECTIVE DATE*

This Local Law shall take effect immediately upon filing with the Secretary of State.

SECTION 8. *TERMINATION DATE*

This local law shall become null and void **August 31st. 2009.**