

Local Law Filing

(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 italics or underlining to indicate new matter.

~~XXXXX~~

~~XXX~~ of CLAY

Town

~~XXXXX~~

DEPARTMENT OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 24 2005

MISCELLANEOUS
& STATE RECORDS

AN INTERIM Local Law No. 2 of the year 2005

AN INTERIM LOCAL LAW TEMPORARILY AMENDING CHAPTER 230 ENTITLED 'ZONING' OF THE TOWN OF CLAY
A local law

(Insert Title)
TO PROVIDE FOR A TEMPORARY MORATORIUM PROHIBITING THE PROCESSING OR GRANTING OF ZONE CHANGES BY THE TOWN BOARD, AND PROHIBITING CONSIDERATION OF RECOMMENDATIONS AS TO ZONE CHANGES BY THE TOWN OF CLAY PLANNING BOARD FOR THE DEVELOPMENT OF LAND USES WITHIN CERTAIN AREAS OF ROUTE 31 AND ROUTE 57 IN THE TOWN FOR A PERIOD OF 180 DAYS FROM THE EFFECTIVE DATE OF SAID INTERIM LOCAL LAW.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~XXXXX~~

~~XXX~~ of CLAY

Town

~~XXXXX~~

as follows:

SEE ATTACHED LOCAL LAW MADE A PART HEREOF

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

AMENDMENT OF AN EXISTING CHAPTER

INTERIM LOCAL LAW 2005-02

AN INTERIM LOCAL LAW TEMPORARILY AMENDING CHAPTER 230 ENTITLED "ZONING" OF THE TOWN OF CLAY MUNICIPAL CODE.

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:

Interim Local Law 2005-02 entitled **"A Local Law Temporarily Amending Chapter 230 entitled 'ZONING', of the Town of Clay of Clay Municipal Code."** The purpose of said Interim Local Law is to provide for a temporary moratorium prohibiting the processing or granting of zone changes by the Town Board, and prohibiting consideration of recommendations as to zone changes by the Town of Clay Planning Board for the development of land uses within certain areas of Route 31 and Route 57 in the Town for a period of 180 days from the effective date of said Interim Local Law. Said Interim local law read as follows:

INTERIM LOCAL LAW

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

SECTION 1. *PURPOSE*

That the purpose of this Interim Local Law is to provide for a temporary moratorium prohibiting the granting of zone changes by the Town Board, nor shall the Planning Board of the Town of Clay consider recommendation of any zone change for the development of land uses within certain areas of the Town of Clay as hereinafter designated.

SECTION 2. *LEGISLATIVE FINDINGS*

- A. The Town of Clay in recent years has been subjected to rapid commercial growth in the northwest section of the Town in order to provide retail and other services to not only its own populace but that of adjacent communities including Oswego County. Most of the commercial development has been concentrated in what is known as the Route 57 and Route 31 Corridors. In this area of the Town, Route 57 is the major north and south highway and Route 31 is the major east and west highway.
- B. Past Corridor Studies for Route 57 and Route 31 fail to give adequate guidance to meet present day needs as the demand for commercial development increases. Comprehensive planning must be undertaken anew so that existing zoning code may be amended or new zoning codes enacted that will address the interaction of 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 interim local law and for a period of one hundred eighty (180) days thereafter, the Clay Town Board shall not process nor grant approval of any zone change 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 interim 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 interim local law.

INTERIM LOCAL LAW

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 interim local law.
- B. Nor shall this interim local law apply to any residential development in the designated areas where site plan approval is not required.

SECTION 5. AREAS SUBJECT TO MORATORIUM

The areas within which the provisions of this interim local law shall apply are as follows:

- A. Commencing at the intersection of Gaskin Road (south of Route 31) and Route 57 in the Town of Clay and at a point where the center lines of said highways meet and thence extending east and west of the center line of Route 57 a distance of five hundred feet (500'); thence continuing northerly along the boundaries of said highway at the aforesaid distances five hundred feet (500') from the center line of Route 57 to the northerly line of the Town of Clay at the Three Rivers Bridge.
- B. Commencing at the intersection of Route 31 and Henry Clay Boulevard in the Town of Clay and at a point where the center lines of said highways meet and thence extending north and south of the center line of Route 31, a distance of five hundred feet (500'); thence westerly along said highway at the aforesaid distances of five hundred feet (500') from the center line of Route 31 to the westerly line of the Town of Clay at the Belgium Bridge.
- C. The areas of land included under the provisions of this Ordinance shall also include those parcels of land along the Route 31 Corridor from Henry Clay Boulevard to the Belgium Bridge which may extend beyond the five hundred foot (500') limitation and front upon secondary roads or rights-of-ways that connect with Route 31.

SECTION 6. UNCONSTITUTIONALITY OR ILLEGALITY

If any clause, sentence, paragraph, word, section or part of this interim 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.

INTERIM LOCAL LAW

SECTION 7. *EFFECTIVE DATE*

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

SECTION 8. *TERMINATION DATE*

This interim local law shall become null and void one hundred eighty (180) days after its effective date.

(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 ^{INTERIM} local law No. 2 of 20 05 of the (County)(City)(Town)(Village) of Clay was duly passed by the Town Board on August 15th 2005, 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.)

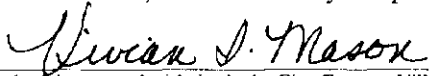
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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
VIVIAN I. MASON, TOWN CLERK
Date: Aug. 23, 2005

(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 _____

~~County~~
~~City~~ of CLAY
Town
~~Village~~

Date: August 23, 2005