

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.

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Kenmore

Local Law No. 2 of the year 2018

A local law Establishing A Three-Month Moratorium On The Use Of Land And The Review/Issuance Of
(Insert Title)
Any And All Permits, Certificates, Licenses, And Approvals For The Construction, Use, Or
Operation In All Zoning Districts, Except Residential And Planned Unit Development
Districts In The Village of Kenmore

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

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Kenmore as follows:

Village of Kenmore
Local Law No. 2 of 2018

A Local Law Establishing A Three-Month Moratorium On The Use Of Land And The Review/Issuance Of Any And All Permits, Certificates, Licenses, And Approvals For The Construction, Use, Or Operation In All Zoning Districts, Except Residential And Planned Unit Development Districts In The Village Of Kenmore

Be it hereby enacted by the Village Board of Trustees of the Village of Kenmore as follows:

Section 1: Legislative Findings, Intent, and Purpose.

The Board of Trustees of the Village of Kenmore (the "Board") finds that there is a critical and compelling need, and that it is in the best interest of the public, to impose a temporary moratorium on the issuance of any and all permits, certificates, licenses, and approvals (collectively "Approvals") for the construction, use, and/or operation throughout the Village of Kenmore, except Residential and Planned Unit Development (PUD) districts. The Board also finds that there is a critical and compelling need, and that it is in the best interest of the public, to impose a temporary moratorium on the use of land. The bases for the Board's finding's are as follows:

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

The current zoning map shows properties marked as “Unclassified” which should be classified. In addition, the Board wishes to review the zoning map to see if other changes should be made to the current zoning map. The Board has determined that a moratorium is necessary to prevent the use of land or the issuance of permits to review the zoning map, classify properties currently “unclassified”, and to determine what, if any changes should be made to the zoning map with respect to general business and restricted business districts.

Section 2: Moratorium.

Upon the effective date of this Local Law and continuing for three (3) months thereafter, there shall be no use of land, or issuance or review of any permits, certificates, licenses, and approvals for the construction, use, and/or operation within any properties currently zoned for general business, restricted business or unclassified use.

This period of time will allow the Village to complete its evaluation and complete the necessary legislation.

Section 3: Variance and Modification of Moratorium.

1. Notwithstanding the provisions of Section 2 of this Local Law, during the period of effectiveness of the moratorium hereby imposed, the Board of Trustees, with recommendation by the Planning Board, may vary or modify the application of any of its provisions upon the Board’s determination, in its absolute discretion, that such variance or modification of the moratorium with respect to a specific use is consistent with the health, safety and general welfare of the inhabitants of the Village and is in harmony with the spirit and purpose of this moratorium. This provision is intended to supersede Section 7-712-b of the Village Law, and is intended to vest the variance authority in the Board of Trustees, with respect to this moratorium only.

2. Upon receipt of a written application for such variance or modification, the Planning Board will review said application and make a recommendation to the Board of Trustees. The Board of Trustees will require a public hearing concerning the application.

Section 4: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 5: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

(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 2018 of the ~~(County)~~(City)(~~Town~~)(Village) of Kenmore was duly passed by the Board of Trustees on January 16, 2018, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (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) (Name of Legislative Body) (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. (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 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: January 17, 2018