

PROPOSED LOCAL LAW C of 2022

A Proposed Local Law to impose a moratorium on the acceptance, processing and approval of applications under section 342-50 of this Code amending Chapter 342 of the Code of the Village of Mamaroneck (Zoning)

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

Section 1.

Article XII of Chapter 342 Section of the Code of the Village of Mamaroneck, is amended by adding section 342-84.5, as follows:

§ 342-84.5. Temporary moratorium on certain multifamily dwellings and subdivisions of land.

- A. The Board of Trustees finds and determines that development in the flood zone is a topic of grave concern to many folks who live in the Village for obvious reasons. The only real opportunities left to develop substantial housing in the flood zone are in the C-1 and C2 commercial zones under the “infill” housing provisions of Village Code § 342-50. Eliminating infill housing in the flood zones (which are easily identifiable) would keep the population that is threatened by flooding from growing. Lessening the burden on Village Emergency services and hopefully easing traffic congestion and strain upon an already stressed infrastructure in our most densely populated areas.
- B. No application for approval of a special permit or site development plan for the construction of a multifamily dwelling or a subdivision under section 342-50 of this Code may be accepted, and no application for any such approval that was not submitted on or before March 28, 2022, may be considered or granted during the moratorium period.
- C. No building permit for the construction of a multifamily dwelling under section 342-50 of this Code may be granted during the moratorium period unless the applicant received site development plan approval for the development that is the subject of the building permit on or before March 28, 2022 or the application for site development plan approval was duly considered, consistent with this section, and approved after March 22, 2022.
- D. No building permit for the construction of a residence on a subdivision under section 342-50 of this Code may be granted during the moratorium period unless the applicant received subdivision approval on or before March 22, 2022 or the application for subdivision approval was duly considered, consistent with this section, and approved after March 22, 2022.

- E. The moratorium period will commence on the date on which this local law becomes effective and will expire six months later, unless the Board of Trustees, by subsequent local law, sooner terminates or extends the moratorium period.

Section 2.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.