

PROPOSED LOCAL LAW D of 2018

A Proposed Local Law to impose a moratorium on the acceptance, processing and approval of applications concerning multi-family developments or subdivisions which would result in three or more residences, 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 ~~abedefghijk~~ 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 section 342-84A, as follows:

§ 342-84A. Temporary moratorium on multifamily dwellings and certain subdivisions of land.

- A. The Board of Trustees finds and determines that the Mamaroneck Union Free School District has added 650 students since 2010, that projections show an unexpected influx of elementary students at all grades, which will result in two elementary schools being short classrooms in the next one to two years, and that, as a result, the Board of Education is considering adding temporary classrooms and redistricting schools. The Board of Trustees is further finds and determines that there is a legitimate concern that the present zoning permitting multifamily dwellings and subdivisions is creating traffic and congestion in the Village that was never contemplated, overtaxing the Village's infrastructure and, potentially, changing the character of the Village. The purpose of this law is to avoid exacerbating these problems and provide reasonable time for the study and evaluation of these issues by temporarily halting the approval of developments that are most likely to contribute to the overcrowding of the schools and the traffic and congestion in the Village while the Board of Trustees determines through its current comprehensive plan update process and other planning studies whether it is in the best interest of the residents of the Village to allow future residential development.
- B. No application for approval of a special permit or site development plan for the construction of a multifamily dwelling or a subdivision creating two or more new residential lots may be accepted, and no application for any such approval that was not submitted on March 12, 2018, may be considered or granted during the moratorium period.
- C. No building permit for the construction of a multifamily dwelling 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 12, 2018 or the application for site development plan approval was duly considered, consistent with this section, and approved after March 12, 2018.
- D. No building permit for the construction of a residence on a subdivision consisting of three or more lots may be granted during the moratorium period unless the applicant received subdivision approval on or before March 12, 2018 or the application for subdivision approval was duly considered, consistent with this section, and approved after March 12, 2018.

- 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 local subsequent law, soon 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.