

## LOCAL LAW NO. 01 OF 2017

A LOCAL LAW AMENDING THE TOWN OF SANTA CLARA LAND USE LAW RELATING TO PRE-EXISTING NONCONFORMING USES

Be it enacted by the Santa Clara Town Board as follows:

**Section 1.** Intent; Authority - The Town Board recognizes that properties on which pre-existing nonconforming uses have been conducted and which contain one or more buildings or structures which have been designated as National Historic Landmarks by the United States Department of the Interior - National Park Service can face special challenges in meeting the requirements of Subsections 8.12, 8.13 and 8.14 of the Town's Land Use Law (also known as the Town's Land Use Code) when the owner of the property is unable to continue the pre-existing nonconforming use and a potential purchaser or transferee wishes to continue the pre-existing non-conforming use but needs more time than allowed under Subsection 8.12, 8.13 and/or 8.14 to raise funds to purchase the property and/or continue the pre-existing nonconforming use(s). The Town Board further recognizes that such National Historic Landmark properties, together with the pre-existing nonconforming uses conducted on them, constitute a special and important resource which benefits the Town in various ways, including increased economic activity and preservation of unique National Historic Landmarks that are important to the Town's culture and heritage, and such properties and uses are worthy of conserving, preserving and continuing. The Town Board therefore wishes to amend the Town's Land Use Law to add a new Subsection, Subsection 8.15, to provide the Town Board with authority to allow resumption of pre-existing nonconforming uses on properties designated as National Historic Landmarks by the United States Department of the Interior - National Park Service, where such uses could not otherwise be resumed under the provisions of Subsections 8.12, 8.13 and/or 8.14 of the Town's Land Use Law.

This Local Law is adopted pursuant to New York State Municipal Home Rule Law.

**Section 2.** Amendment of Town Land Use Law - Article VIII, Section 8.10, of the Town of Santa Clara Land Use Law (also known as the Town Land Use Code) is hereby amended by adding Subsection 8.15, as follows:

8.15 National Historic Landmark Properties

A. Notwithstanding the provisions of 8.12, 8.13 and 8.14, in the event that a property contains one or more buildings or structures that have been designated as a National Historic Landmark by the National Park Service of the United States Department of the Interior, and such designated buildings or structures were utilized as part of a nonconforming use or uses, either before or after such Historic Landmark designation, or both, and which nonconforming use or uses were discontinued without the property's use being changed to a conforming use, then the Town Board, upon written request from the owner of the property, shall be authorized to allow the resumption of the non-conforming use or uses on the property, after the request is reviewed by the Planning Board.

B. The Town Board's decision on such a request for resumption of a non-conforming use or uses shall be by Resolution of the Town Board following a Public Hearing held on at least 10 days' notice.

C. Upon a Resolution of the Town Board approving a resumption of one or more non-conforming use or uses, which must be specified in such Resolution, the property owner must resume such use or uses within two years from the date of adoption of the approving Resolution, which time may be extended for one additional year for good cause shown by application to the Town Board and a Resolution of the Town Board approving such extension, without requirement for a Public Hearing on such extension request. Application for such an extension must be received by the Town before the expiration of two years from the date of the Resolution of approval to resume the non-conforming use or uses.

D. After a Resolution of the Town Board approving a resumption of a non-conforming use or uses, if the non-conforming use or uses are not resumed within such two-year period, or 1-year extension thereof if so authorized by the Town Board, any subsequent use of the property must comply with the then-current provisions of the Town's Land Use Law or its successor.

E. The provisions of this subsection 8.15 shall apply to any such designated National Historic Landmark property even if the cessation of the nonconforming use or uses occurred prior to the adoption of this subsection.

F. The property owner which submitted the Petition dated July 12, 2016 to the Town Board for an amendment to the Town's Land Use Law to add this sub-section 8.15 shall be deemed to have satisfied the requirements of sub-sections A and B above and the resumption of the prior non-conforming uses on property owned by such property owner as of the date of its Petition, being those uses identified and specified in the Resolution of the Town Board approving the addition of this section 8.15 to the Land Use Law, are deemed approved by the Town Board. Said property owner must resume such uses within two years from the date of adoption of the Town Board Resolution approving the amendment of the Land Use Law to add this section 8.15, which time may be extended for one additional year for good cause shown by application to the Town Board and a Resolution of the Town Board approving such extension, without requirement for a Public Hearing on such extension, or the approval for resumption of such non-conforming uses shall expire. Application for such an extension must be received by the Town before the expiration of two years from the date of the Resolution approving the addition of this section 8.15 to the Land Use Law.

**Section 3.** Severability - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**Section 4.** Repealer - All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed. In particular, this Local Law is specifically intended to supersede the amended provisions of the current Town of Santa Clara Land Use Law.

**Section 5.** Effective Date - This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.