

Local Law No. ____ of 2018

**A LOCAL LAW AMENDING THE CITY ZONING LAW WITH REGARD TO
CONDITIONAL USES IN THE R-2 and R-2H ZONING DISTRICTS**

SECTION 1. TITLE

This Local Law shall be known as Local Law No. ____ for the year of 2018.

SECTION 2. LEGISLATIVE FINDINGS

The Common Council of the City of Hudson finds that in order to encourage the provision of retail, restaurant and certain other services and economic opportunities to the residents of Hudson that constitute non conforming uses under the Hudson Zoning Code, it is deemed desirable to allow for additional conditional uses in the One and Two Family Residence R-2 and R-2H Zoning Districts within the City of Hudson. The Common Council further finds that in order to encourage the upkeep, renovation and continuation of non-conforming uses presently existing in the R-2 and R-2H District, it is desirable to allow for the renovation, replacement and/or expansion of currently existing non-conforming uses within said R-2 and R-2H District under certain conditions.

SECTION 3. LEGISLATIVE INTENT

It is the intent of the Common Council to improve the health and welfare of the people of the City of Hudson by more efficiently and effectively zoning the property within the City's corporate limits.

SECTION 4. AMENDMENTS

Article IV. Hudson City Code, Chapter 325, §325-8, as to the paragraph B, Local Law No. 12-1968 (Ch. 121 of the 1973 Code), is hereby AMENDED by ADDING the following:

"(4). With respect to any building or portion thereof, the use of which is currently a non-conforming use, or was a non-conforming use and did not subsequently become a dwelling unit:

- (a) Retail stores and banks.
- (b) Personal service stores such as, but not limited to, barbershops, beauty parlors and tailors.

- (c) Professional, government or business offices.
- (d) Museums and art galleries.
- (e) Eating and drinking places.
- (f) Service establishments, furnishing services other than of a personal nature, including gasoline filling stations and convenience stores.
- (g) Outlet and pickup stations for laundries and dry-cleaning establishments, excluding commercial laundry; self-service automatic laundry and dry-cleaning establishments.

(5) With respect to any building or portion thereof, the use of which is currently a non-conforming use within the zoning district, said non-conforming building or portion thereof may be renovated, replaced, and/or expanded (“renovated building”), provided:

- (a) the non conforming use has been established and has operated continuously for a period of greater than twenty years in the R-2 zone.
- (b) the owner demonstrates mitigation of impacts of the renovated building to the surrounding neighborhood to the satisfaction of the Planning Board consistent with Article VIII. Any mitigation required shall be set forth in resolution by the Planning Board and/or through a host community benefit agreement between the owner and the City Council for the purposes of long term enforcement.
- (c) the construction of the renovated building is completed upon the parcel or adjacent parcel(s) upon which the non-conforming building currently exists;
- (d) the renovated building shall not be more than 1x greater than the existing original structure of the non-conforming use.
- (e) the construction of the renovated building shall create no new additional non-compliance with the Bulk and Area Regulations for the zoning district.

Article IV. Hudson City Code, Chapter 325, §325-9, as to the paragraph B, Local Law No. 12-1968 (Ch. 121 of the 1973 Code), is hereby AMENDED by ADDING the following:

(5) With respect to any building or portion thereof, the use of which is currently a non-conforming use within the zoning district, said non-conforming building or portion thereof may be renovated, replaced, and/or expanded (“renovated building”), provided:

- (a) the non conforming use has been established and has operated continuously for a period of greater than twenty years in the R-2H zone.
- (b) the owner demonstrates mitigation of impacts of the renovated building to the surrounding neighborhood to the satisfaction of the Planning Board consistent with Article VIII. Any mitigation required shall be set forth in resolution by the Planning Board and/or through a host community benefit agreement between the owner and the City Council for the purposes of long term enforcement.
- (c) the construction of the renovated building is completed upon the parcel or adjacent parcel(s) upon which the non-conforming building currently exists;
- (d) the renovated building shall not be more than 1x greater than the existing original structure of the non-conforming use.
- (e) the construction of the renovated building shall create no new additional non-compliance with the Bulk and Area Regulations for the zoning district.

SECTION 5. STATEMENT OF AUTHORITY

This local law is authorized by Article 3, section 28-a, of the New York General City Law, Article 2, subsections 1 and 2 of section 10 of the New York Municipal Home Rule Law, and Chapter 325, section 325-40 of the Hudson City Code.

SECTION 6. SEVERABILITY

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part of provision hereof other than the provision so found to be invalid.

SECTION 7. EFFECTIVE DATE

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

Introduced: _____

Seconded: _____

Approved _____

By _____

Rick Rector, Mayor