

LOCAL LAW NO. 1 FOR THE YEAR 2009

A LOCAL LAW TO AMEND CHAPTER 240 THE CODE OF THE CITY OF SARATOGA SPRINGS BY ADDING UNDER ARTICLE XVI PROVISIONS TO SUSPEND TEMPORARILY PERMITS AND APPROVALS FOR DEMOLITION OF INDIVIDUAL OR CONTRIBUTING STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES

WHEREAS, the City of Saratoga Springs has received a Certified Local Government Grant from the New York State Office of Parks, Recreation and Historic Preservation to review and revise Article VII of the City's Zoning Ordinance relating to Historic Review Approval; and

WHEREAS, it is contemplated that such review and revisions will consider provisions relating to the deterioration and demolition of historic buildings in the City of Saratoga Springs; and

WHEREAS, several historic properties have been demolished in the recent past or are currently threatened with demolition; and

WHEREAS, these properties are included as contributing structures to historic districts listed on the National Register of Historic Places and may not be included in Historic Districts in Article VII, Section 240-7.20 of the Zoning Ordinance and are not accorded the protections afforded by the Ordinance; and

WHEREAS, additional loss of historic structures while review and revisions to the Article VII of the Zoning Ordinance are considered by the City would be counterproductive to the protection, enhancement and perpetuation of landmarks and historic districts as contemplated in Article VII; and

WHEREAS, the review and revisions to Article VII are reasonably expected to be completed by February, 2010,

NOW THEREFORE, be it enacted by the City Council of the City of Saratoga Springs, County of Saratoga and State of New York, that Chapter 240, Zoning, is hereby amended by adding new provisions under Article XVI, Temporary Local Zoning Laws, as follows:

Section 1. Title.

This Local Law shall be known as "The Temporary Moratorium on Permits and Approvals for Demolition of Individual or Contributing Structures Listed on the National Register of Historic Places"

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the City of Saratoga Springs by the New York State Constitution, the General City Law of the State of New York, the Municipal

Home Rule Law and the police powers granted there under, the City of Saratoga Springs hereby declares a moratorium on the issuance of demolition permits by the Building Inspector or demolition approvals by the Design Review Commission for individual or contributing structures listed on the National Register of Historic Places. The Council finds, in the interest of the health, safety and welfare of the community, the issuance of these permits and approvals should be suspended for a reasonable time until the City has had the opportunity to review its Historic Review Approval process pursuant to a Certified Local Government Grant received from the New York State Office of Parks, Recreation and Historic Preservation.

Section 3. Moratorium Area, Period and Applicability.

A. This moratorium shall be applicable to individual structures and historic districts listed on the National Register of Historic Places and located in the City of Saratoga Springs.

B. The period of the moratorium shall run from May 1, 2009 until February 1, 2010 and may be extended thereafter. In the event that the City of Saratoga Springs completes the review and revisions to the Historic Review Approval process prior to the expiration of this moratorium, the City Council by resolution may terminate this moratorium.

C. During the moratorium period, the City of Saratoga Springs Building Inspector, Design Review Commission, Planning Board, and Zoning Board of Appeals are hereby prohibited from accepting any new application or continuing the processing of any pending application as specified in subdivision D below.

D. The moratorium shall be applicable to any application for a demolition permit or demolition approval that would result in the demolition of an individual or contributing structure listed on the National Register of Historic Places.

Section 4. Waiver.

A. Any property owner may petition the City Council for a waiver from the provisions of the moratorium. Such waiver by the City Council shall be granted only upon a demonstration that the historic and architectural integrity of the structure has been irreparably compromised, and if considered today the structure would be ineligible for listing on the National Register of Historic Places. The applicant has the burden of proof with respect to this condition.

B. Such petition for waiver shall be the subject of a public hearing before the City Council, which hearing shall be scheduled upon five (5) days notice published in the official newspaper of the City and within 30 days from the property owner's submittal of a written petition to the City Clerk. At the public hearing, the property owner and other parties wishing to present evidence on the proposed waiver shall have an opportunity to be heard. The City Council shall render its decision in writing within thirty (30) days of the close of the public hearing, either granting or denying the petition for a waiver of the requirements of the Moratorium.

C. Notwithstanding the provisions of this Local Law, demolition of an individual or contributing structure listed on the National Register of Historic Places will be permitted where an appropriate legal action or procedure has resulted in a judgment or order by a court of competent jurisdiction that a structure shall be demolished.

Section 5. Severability.

If any section of this local law or the application thereof to any person, circumstance, or property shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person, circumstance, or property, and to this end, the provisions of each section of this local law are hereby declared to be severable.

Section 6. Supersession and Repeal of Other Laws.

All ordinances or parts of ordinances in conflict with the provisions of this local law are hereby repealed to the extent necessary to give this local law full force and effect during the operative period of the moratorium.

Section 7. Effective Date and Operative Period.

This local law shall become effective upon its filing in the office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law and the Charter of the City of Saratoga Springs, and shall be operative until February 1, 2010, unless extended or terminated in accordance with Section 3(B) above.

Adopted: