

## **TOWN OF AMSTERDAM**

### **INTRODUCTORY LOCAL LAW NO. 6 OF THE YEAR 2023**

#### **A LOCAL LAW AMENDING THE TOWN OF AMSTERDAM ZONING LAW OFFICIAL ZONING MAP**

Be it enacted by the Town Board of the Town of Amsterdam, Montgomery County, New York, as follows:

#### **SECTION I: PURPOSE**

On November 15th, 2022 the voters of the Village of Fort Johnson [Village] elected to dissolve the Village into the Town of Amsterdam [Town] effective December 31, 2023. The dissolution of the Village includes the incorporation of the former village area into the Town of Amsterdam Zoning Code. As noted in the Village Dissolution Plan the Town has up to two years to allow the Village laws to remain in effect. However, the Village does not have a zoning law and therefore it is in the best interest of the Town to quickly modify the Town's Zoning Law to incorporate the former village area. This amended Zoning Law will go into effect immediately upon the Village's dissolution on January 1, 2023 or filing, whichever occurs later.

#### **SECTION II: LEGISLATIVE FINDINGS**

The Town Board adopted the Town of Amsterdam Zoning Law of 2009, with subsequent amendments in 2010, 2016, and 2021. Without a village zoning law, it is the responsibility of the Town to propose zoning that best fits the character of the Village. Based upon a review of land use trends, the Town has opted to utilize two existing zoning districts to cover all properties within the former village area.

#### **SECTION III: ENACTMENT**

The Zoning Law of the Town of Amsterdam Official Zoning Map, adopted in 2009 and amended thereafter from time to time, is hereby amended as follows:

The B-2: Restricted Business District will increase by 33.1 acres to encompass the commercial core of Fort Johnson Hamlet. The proposed B-2 district includes all properties west of St. Mary's Cemetery along East Main Street, all properties along Prospect Street including Old Fort Johnson, all properties along Fort Johnson Avenue for 600 feet north from NYS Route 5, all properties along Lepper Road for 300 feet north from East Main Street, and all properties along Brant Avenue for 600 feet north from NYS Route 5.

The R-1: Residential District will increase by 427.5 acres and encompasses the remaining, primarily residential properties within the former Village of Fort Johnson boundaries. Other use types include cemetery, park, storage, railroad right-of-way, and agricultural.

Utilizing these two zones within the former village area will protect the residential nature of the village through the regulations of the R-1 District while continuing to concentrate commercial and service uses within the historic business core through the regulations of the B-2 District.

#### **SECTION IV: AUTHORITY**

This Local Law is enacted pursuant to the authority of Section 10 of the New York State Municipal Home Rule Law.

#### **SECTION V: SEVERABILITY**

If any part or provision of this local law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part of provision or application.

#### **SECTION VI: EFFECTIVE DATE**

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law or January 1, 2024, whichever occurs later.

