

**TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK
PROPOSED LOCAL LAW 1 of 2011**

**A LOCAL LAW AMENDING THE TOWN OF TICONDEROGA ZONING
ORDINANCE CONCERNING RESIDENTIAL USES FOR PROPERTY
LOCATED IN THE CENTRAL COMMERCIAL ZONE**

Be it enacted by the Town Board of the Town of Ticonderoga, as follows:

Section 1. Legislative Intent.

The purpose of this local law is to amend the Town of Ticonderoga Zoning Ordinance as it applies to residential occupancy on the first floor of structures located within the Central Commercial Zone within the Town of Ticonderoga.

Section 2. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Ticonderoga and the general police power vested with the Town of Ticonderoga to promote the health, safety and welfare of all residents and property owners in the Town.

Section 3. Affected Area.

The areas affected by this legislation are those properties located in the Central Commercial Zone as contained in the Town of Ticonderoga Zoning Ordinance in the Town of Ticonderoga.

Section 4. Prohibition Against Residential Uses on the First Floor of Buildings in the Central Commercial District.

Section 7.17, Schedule 1, and any other conflicting provision of the Town of Ticonderoga Zoning Ordinance are hereby amended such that there shall be no residential use of any building in the Central Commercial District on the first floor of said building. For the purposes of this Local Law, the first floor shall be deemed the first floor accessing the street level in any building in the Central Commercial District. In the event of a dispute concerning what floor constitutes the first floor, a property owner may apply to the Planning Board for a determination relative to whether or not a floor constitutes the first floor as defined herein.

Upon application for site plan approval, the Planning Board may authorize a portion of a first floor to be residential in the Central Commercial District where:

- (a) The remainder of such first floor is utilized for business purposes as permitted in the Central Commercial District; and

- (b) The portion of the first floor to be used as residential will be occupied by the person conducting the business on the remainder of such first floor; and
- (c) The majority of the square footage (i.e., more than 60%) of such first floor is utilized for commercial purposes.

In the event the person to reside in such residential portion ceases for any reason to reside in such residential portion, the prohibitions against residential use on such first floor of such building shall apply. The rental of the first floor for residential purposes shall not be deemed 'commercial' for purposes of this Local Law and this amendment to the Town of Ticonderoga Zoning Ordinance.

Section 5. Conflict with State Statutes and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of any local law of the Town of Ticonderoga, or any laws of the State of New York, this local law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law.

Section 6. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section 7. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State.