

LOCAL LAW #8 OF 2018

A LOCAL AMENDING CHAPTER 305 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED “ZONING” TO THE EXTENT OF AMENDING CODE SECTION 305-44(B) AND (C)

BE IT ENACTED by the Village Board of the Village of Walden as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 305 of the Code of the Village of Walden entitled “Zoning” to the extent of amending Code Section 305-44(B) and (C).

SECTION 2 – PURPOSE & INTENT

The Village of Walden, pursuant to Local Law 7 of 2018, adopted contemporaneously herewith, has determined to make certain revisions to Code Section 305-54 related to expansions, alterations, restorations, repairs or other similar modifications to existing nonconforming uses, buildings and/or lots. The enactment of these modifications results in the potential for inconsistencies between Code section 305-44 and Code Section 305-54 both of which address the continuation of the utilization of a nonconforming use, building and/or lot. In order to avoid any inconsistencies between these two provisions of the Village Code the Board deems it appropriate and necessary to modify Code Section 305-44 to maintain consistency in the implementation of the Village Code as it relates to nonconforming uses, buildings and/or lots.

SECTION 3 – AMENDMENT TO TEXT OF CODE SECTION 305-44

Existing Code Sections 305-44(B) and (C) are hereby repealed and replaced with the following language:

- B. Except for routine maintenance and repairs, a building or structure used by a nonconforming use may not be reconstructed, structurally altered, restored or repaired except in compliance with the requirements of Section 305-54(C)(2)(a),(b) or (c), as applicable, of this Code.
- C. A nonconforming building or structure utilized by a conforming use, may be reconstructed, structurally altered, restored or repaired, in whole or in part, so long as the degree of nonconformity is not increased and so long as there is compliance with the requirements of Section 305-54(C)(2)(d) of this Code.

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.