

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

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STATE RECORDS

of Hudson

DEC 12 2016

DEPARTMENT OF STATE

Local Law No. 4 of the year 2016

A local law Amending the City Zoning Law as it Pertains to the Westerly Side of Hudson Avenue.  
(Insert Title)

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Hudson

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law No. 4 of 2016

**A LOCAL LAW AMENDING THE CITY ZONING LAW AS IT PERTAINS TO THE WESTERLY SIDE OF HUDSON AVENUE**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON AS FOLLOWS:**

**SECTION 1. TITLE** This Local Law shall be known as Local Law No. 4 for the year 2016.

**SECTION 2. LEGISLATIVE FINDINGS**

Hudson Avenue is a single-block, dead-end street wholly within the City's Third Ward. It is currently zoned I-1 (Industrial) on its southerly and most of its westerly sides; the remainder of the properties defining the street are zoned R-3 (Multiple Residence). Notable structures and uses of the properties on the street include Galvan Field where the city's Little League program plays its home games. This occupies most of the R-3 zoned land on the easterly side of the street; there are 2 single-family homes to the north of Galvan Field on the same side of the street. Beyond the dead-end at the street's southerly side is a very large, vacant and many-decades idle industrial factory. The I-1 zoned industrial land continues both westerly and northerly from the abandoned factory encompassing 3 tax parcels on the westerly side of the street. With the side yard of the property that defines the westerly corner of Hudson Avenue's intersection with Union Street, these parcels comprise the westerly frontage of the Avenue. The smallest of these parcels (.11 acres) includes a single-family home. These parcels, except for that with the single family home on it, were the site of a recently-shuttered automobile repair shop and junk yard from which all business-related personal property has been removed from the parcels.

The owners of the 2 parcels that comprised the auto body shop and junk yard have had them both tested pursuant for contaminants. These tests found the presence of automobile oil and like substances on a number of areas that are part of the parcels at issue, and such contaminated soil was removed and trucked away and disposed of pursuant to applicable law. Copies of the test results and receipts for the removal and disposal of the contaminated soil have been received and reviewed by the City Council.

The City Council finds that the residential nature of Hudson Avenue is its primary use today, and that the ball field underscores the neighborhood nature of the Avenue.

The City Council finds that protection of the city's traditional neighborhood character is a primary goal of City policy (City of Hudson Comprehensive Plan (April 2002) ("**Comp Plan**") at 15), and that promoting the development of additional housing with the potential for appropriate and statutorily-permitted commercial uses within the 3 tax parcels on the westerly side of Hudson Avenue will advance this goal as housing is more supportive thereof than vacant industrial land.

The City Council finds that protecting and strengthening Hudson's sense of community is a very important goal of City policy (Comp Plan at 28), and that promoting the development of additional housing with the potential for appropriate and statutorily-permitted commercial uses within the 3 tax parcels on the westerly side of Hudson Avenue will advance this goal as housing is more supportive thereof than vacant industrial land.

The City Council finds that promoting economic vitality is a very important goal of City policy (Comp Plan at 33), and that promoting the development of additional housing with the potential for appropriate and statutorily-permitted commercial uses within the 3 tax parcels on the westerly side of Hudson Avenue will advance this goal as smaller commercial entities are more in line with both Hudson Avenue's size and with the city's recent development than industrial uses are and, therefore, such development is more supportive of the City's stated goals than vacant industrial land.

The City Council finds that improving the pedestrian streetscape is a very important goal of City policy (Comp Plan at 34), and that promoting the development of additional housing with the potential for appropriate and statutorily-permitted commercial uses within the 3 tax parcels on the westerly side of Hudson Avenue will advance this goal as housing and smaller commercial entities are more harmonious with both Hudson Avenue's size and with the city's recent development than industrial uses and vacant industrial land are and, therefore, such development is more supportive of the City's stated goals than vacant industrial land or another industrial development on such parcels.

The City Council finds that it is an important goal of City policy that development take into account the character and condition of parks and open spaces in the city (Comp Plan at 44), and that in so doing within the context of Hudson Avenue, that promoting the development of additional housing with the potential for appropriate and statutorily-permitted commercial uses within the 3 tax parcels on the westerly side of Hudson Avenue will advance this goal as such development is more in line with the existing use of the ball field for Little League baseball games, and that, therefore, such development is more supportive of the City's stated goals than vacant industrial land or another industrial development on such parcels.

The City Council finds that there is a dearth of small, neighborhood groceries on the south side of Warren Street, that there are only two such markets presently in operation, one on the very southeasterly corner of Warren and Second Streets, and the other on the southeasterly corner of Warren and First Streets and, as such, both serve the walking-distance population of the lower First and Second Wards.

The City Council finds that a more walkable city is in the best interest of its population and the environment, and that a more walkable city is a more affordable city. Moreover, the City Council finds that walkability and pedestrian-friendly initiatives are important goals of City policy (Comp Plan at 5, 34 - 36)

Given that the continued use of the lots formerly comprising the auto repair shop and junk yard are no longer being used for their industrial purpose; and

Given that there is a housing shortage in the City of Hudson which includes, acutely, a shortage of affordable housing; and

Given that the economic character of the City of Hudson has evolved over the past 30 years from a primarily industrial base to one centered on the creative economy.

The Hudson City Council finds that it is in the City's best interest that the parcels presently zoned I-1 that are no longer being used for any industrial purpose and are now vacant, and the parcel containing the single-family home, are more properly zoned R-S-C (Residential Special Commercial) to permit single- and multiple-family homes that may contain a commercial entity in their ground floor spaces.

### **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. AMENDMENT**

A. The land area within the City of Hudson consisting of three tax parcels (109.16-1-6, 109.16-1-7 and 109.16-1-5.2) and abutting the westerly side of Hudson Avenue in the Third Ward, currently designated on the "Zoning Map, City of Hudson, New York" as within the Industrial "I-1" zoning district, is hereby re-classified and designated as within the Residential Special Commercial (R-S-C) District, and the official "Zoning Map, City of Hudson, New York" shall be amended or revised to reflect such re-classification and designation.

### **SECTION 5. STATEMENT OF AUTHORITY**

This local law is authorized by Article 2-A and section eighty-three of the General City Law, Municipal Home Rule law Article 2, and 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 or 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.

*[Handwritten signature]*

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20<sup>16</sup> of the ~~(County)(City)(Town)(Village)~~ of Hudson was duly passed by the Common Council on November 15 20<sup>16</sup>, and was (approved)(~~not approved~~) ~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted (Elective Chief Executive Officer\*) on November 29 20<sup>16</sup>, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

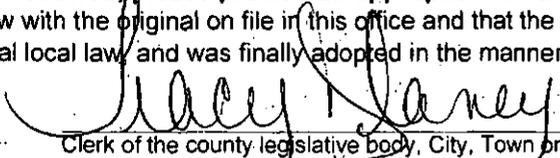
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11-30-16

(Seal)