

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.)

of Nyack

Local Law No. 9 of the year 2024

A local law Amending Chapter 360 (Zoning) of the Code of the Village of Nyack, so as to Increase the
(Insert Title)
Distance of Building Setbacks at the Ground Level and at 32 Feet High, and to Widen the
Distance of a Lot's Street Frontage, and to Allow Adult-Use Retail Dispensaries (Cannabis)
in the DMU-2 Zoning District

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Nyack as follows:

-SEE ATTACHED-

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

(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. 9 of 2024 of the (County)(City)(Town)(~~Village~~) of Nyack was duly passed by the Board of Trustees on September 26 2024, 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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 _____ above.



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

Date: 9/27/24

(Seal)

**LOCAL LAW NO. 9 OF 2024,
AMENDING CHAPTER 360 (ZONING) OF THE CODE OF THE
VILLAGE OF NYACK, SO AS TO INCREASE THE DISTANCE OF
BUILDING SETBACKS AT THE GROUND LEVEL AND AT 32 FEET
HIGH, AND TO WIDEN THE DISTANCE OF A LOT'S STREET
FRONTAGE, AND TO ALLOW ADULT-USE RETAIL DISPENSARIES
(CANNABIS), IN THE DMU-2 ZONING DISTRICT
(09/26/2024 ADOPTED VERSION)**

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, Purpose and Intent:

This Local Law is adopted pursuant to New York State (“NYS”) Municipal Home Rule Law (“MHRL”) §10; and in accordance with the procedures prescribed in MHRL §20, and NYS Village Law §7-706 and §21-2100. The purpose and intent of this Local Law is to adopt amendments to the Zoning Code (Chapter 360) of the Code of the Village of Nyack, which will enhance the economic viability, and livability, of the Village of Nyack’s businesses, commercial uses and residences in the Downtown Mixed Use-2 (“DMU-2”) Zoning District, and surrounding neighborhoods, by (i) increasing the distance of the minimum required front setback (at the ground level) from 5’ to 15’, adding an additional 5’ step-back at the 32’ building height for all sides of a building that face a public street, and widening the distance of the street frontage of a lot from 25’ to 50’, which will mitigate the “canyon” effect that is caused by buildings constructed close to the sidewalk at a tall height, and (ii) allowing cannabis Adult-Use Retail Dispensaries, which will reconcile with the DMU-1 Zoning District that already allows cannabis Dispensaries.

Section 2 – The row entitled “Minimum street frontage,” within the “DMU-2” column, of 360 Attachment 2, Table 4-1 entitled “Dimensional Standards,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

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Section 3 – The phrase “Minimum street frontage,” in the left-most (or first) column of 360 Attachment 2, Table 4-1 entitled “Dimensional Standards,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

Minimum street frontage (feet)

Section 4 – The row entitled “Minimum front setback (feet),” within the “DMU-2” column, of 360 Attachment 2, Table 4-1 entitled “Dimensional Standards,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

15(p)

Section 5 – Note “(p)” of the “Dimensional standards table notes,” of 360 Attachment 2, Table 4-1 entitled “Dimensional Standards,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

(p) In the DMU-2 Zoning District, in all cases, the building and structures must be set back at least 15 feet from the curblines; and the minimum required front setback, for all buildings and structures, shall be increased by an additional five feet (5') at a building/structure height of thirty-two feet (32'); in other words, all buildings/structures shall be required to have a step-back of five feet (5'), at the building/structure height of thirty-two feet (32'), which step-back shall be in addition to the minimum required front setback.

Section 6 – Sub-Sub-Paragraph “a,” of Sub-Paragraph “11” (Adult-use retail dispensary), of Paragraph “B” (Commercial uses), of §360-3.2 (Use-specific standards), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

An adult-use retail dispensary shall be allowed in (i) the Corridor Commercial (CC) Zoning District with frontage along an arterial road as defined by the New York State Department of Transportation, and (ii) in the Downtown Mixed Use-1 (DMU-1) Zoning District, and in the Downtown Mixed Use-2 (DMU-2) Zoning District, with frontage along Main Street, North Broadway, South Broadway, or South Franklin Street, as applicable, subject to siting approval by a Special Use Permit from the Village of Nyack Planning Board.

Section 7 – Severability.

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 8 – Effective Date.

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.