

(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.)~~

**THIS IS A DRAFT VERSION WHICH IS UNDER  
REVIEW BY THE TOWN BOARD AND WILL BE  
THE SUBJECT OF COMMENT AT THE JULY 9,  
2008 PUBLIC HEARING.**

Local Law No. \_\_\_\_\_ of 2008

**A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2008  
FOR THE MC OVERLAY DISTRICT**

Be it enacted by the Town Board of the Town of Dover as follows:

**SECTION 1. LEGISLATIVE INTENT.**

The adoption of Local Law No. 1 of 2008 amended Chapter 145, Section 16 of the Dover Zoning Law to provide the Town Board with site plan approval for projects in the Mixed Use Institutional Conversion Overlay District ("MC District") and for projects located outside of the MC District but proposed for approval as part of one overall development for the MC District.

The adoption of Local Law No. 1 of 2008 was challenged in a litigation in which objection was made to the grant of authority for the Town Board to have site plan approval for projects located outside of the MC District but proposed for approval as part of one overall development for the MC District. In an effort to address the matters raised in the litigation, The Town Board amends Local Law No. 1 of 2008 as set forth below.

**SECTION 2. AMENDMENT TO CHAPTER 145-16 OF THE DOVER  
ZONING LAW.**

In Section 145-16C(2) of the Dover Zoning Law, the first sentence shall be amended by the deletion of the words shown with the strikethrough:

The Town Board may, by zoning amendment in its sole discretion, rezone all or a portion of the MC District ~~and rezone lands substantially contiguous to the MC District~~ pursuant to a comprehensive development plan for a portion of the property that includes at least 40 acres.

In Section 145-16C(2) of the Dover Zoning Law, the fourth sentence shall be amended by the deletion of the words shown with the strikethrough:

The conceptual site plan shall show the street layouts, an open space system and density and general use classifications within the planned development district and shall indicate dimensional regulations that will apply within ~~or substantially within~~ the district.

### **SECTION 3. SEVERABILITY.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect within such part or parts.

### **SECTION 4. REPEAL.**

All ordinances, local laws and parts thereof inconsistent with this local law, are hereby repealed.

### **SECTION 5. EFFECTIVE DATE.**

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.