

**LOCAL LAW IMPOSING A SIX-MONTH MORATORIUM ON
THE ISSUANCE OF ANY NEW COMMERCIAL BUILDING
CONSTRUCTION PERMITS OR SITE PLAN APPROVALS BY THE
TOWN OF NORTH HARMONY**

Be it enacted by the Town Board of the Town of North Harmony as follows:

Section 1. Title

This Local Law shall be referred to as the "Local Law Imposing a Six-Month Moratorium on the Issuance of Any New Commercial Building Construction Permits or Site Plan Approvals By the Town of North Harmony@.

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of North Harmony (the "Town") to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a six-month moratorium on the issuance of any new commercial building construction permits or site plan approvals in the town on properties located within the C-1, Sections 3, 7, 20 and 21 Zoning Districts.

The Town is engaged in the process of revising its zoning law criteria of permitted uses and area requirements for the C-1, Sections 3, 7, 20 and 21 Zoning Districts pursuant to its newly enacted comprehensive plan of development. It has received a number of inquiries regarding new commercial building construction in this area. Such construction also would entail the possible installation of public roadways and utilities= infrastructure for sewer and water.

The Town Board of the Town desires to address, in a careful manner, the appropriate land use, regulation, establishment, placement and construction of new commercial buildings, site plans and public roadway and utilities= infrastructure.

Section 3. Scope of Controls

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any permits or approvals that would result in site plan approval or establishment, placement, construction or erection of any new commercial buildings within the aforescribed C-1, Sections 3, 7, 20 and 21 Zoning Districts

2. This moratorium shall not apply to the alteration or expansion of existing commercial buildings by no more than an additional 20% of the square footage of the existing building.

3. The Town Planning Board shall not grant any preliminary or final

approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction or erection of any new commercial buildings within the aforescribed C-1, Sections 3, 7, 20 and 21 Zoning Districts.

4. The Town Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction or erection of any new commercial buildings in the aforescribed C-1, Sections 3, 7, 20 and 21 Zoning Districts.

5. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction or erection of any new commercial buildings in the aforescribed C-1, Sections 3, 7, 20 and 21 Zoning Districts.

B. The Town Board of the Town reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

Section 4. No Consideration of New Applications

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 5. Term

The moratorium imposed by this Local Law shall be in effect for a period of six months from the effective date of this Local Law.

Section 6. Penalties

Any person, firm or corporation that shall establish, place, construct or erect any new commercial buildings in the aforescribed Zoning Districts in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

Section 7. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 8. Hardship

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 9. 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.