

VILLAGE OF ATHENS
LOCAL LAW # OF 2020

LOCAL LAW IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON SPECIAL USE PERMITS AND SITE PLAN REVIEW FOR PARCELS LOCATED WITHIN THE WATERFRONT OR MIXED USE/WATERFRONT DISTRICTS

Be it enacted by the Village Board of the Village of Athens as follows:

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Temporary Six-Month Moratorium on Special Use Permits and Site Plan Review for Parcels Located Within the Waterfront or Mixed Use/Waterfront Districts.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Village of Athens by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Village Board hereby declares a temporary six (6) month moratorium on the review and/or approval of any new Special Use Permit and Site Plan Approval Applications for parcels of land located in the Waterfront or Mixed Use/Waterfront Districts.

The Village Board recently appointed a committee to review, draft and recommend a new Comprehensive Plan for adoption by the Village Board. The Comprehensive Plan Committee is focusing on the importance of protecting, revitalizing and maintaining the Village’s waterfront areas and encourage smart development which would be an integral part of the Village’s economic growth centered around tourism, recreational uses and small scale retail and businesses.

The Comprehensive Plan would then be implemented via zoning revision process, which is expected to result in the enactment of many new zoning provisions including more specific special use and site plan approval standards.

The Village Board finds and determines that based upon recent activities, applications and/or inquiries currently before the Village relating to commercial and other activities in the Waterfront and Mixed Use/Waterfront districts and based upon the opinion of the Village Engineer such applications and/or inquiries, if approved, could have a deleterious effect on Village’s aforementioned efforts.

The Village Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the adoption of a new Comprehensive Plan and enactment of the necessary zoning revisions, including but not limited to, drafting proposed amendments to existing Village Local Laws, including zoning, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law, the Village Board and/or any other municipal body, including but not limited to the Zoning Board of Appeals, Planning Board and the Building Department, shall not begin or continue to review applications for or grant any approvals relating to a Special Use Permit

or Site Plan Approval on parcels of land which are located within the Waterfront or Mixed Use/Waterfront districts.

B. No new applications for a Special Use Permit or for Site Plan Review for parcels which are located within the Waterfront or Mixed Use/Waterfront districts shall be considered by any board, officer or agency of the Village while the moratorium imposed by this Local Law is in effect.

C. The Village Board reserves the right to direct the Village Building Inspector/Code Enforcement Officer/Zoning Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

D. Definitions. For the purposes of this local law, all terms utilized herein shall be defined in accordance with the Village of Athens Zoning Law.

Section 4. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. The Village Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest. The Board reserves the right to terminate this moratorium prior to the end of the six (6) month period in the event that the new zoning revisions are enacted before such expiration.

Section 5. 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 Village Board of the Village in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship for a legally operating use. 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 use permit, 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 Village Clerk by the property owner seeking a variance from this Local Law, the Village 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 Village. 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 Village 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 Village Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall grant a variance of the application of this Local Law to a particular property, then the Village 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.

C. Supersession. This variance section and the process and procedure of this Local Law supersede the New York State Village Law §§267, 267-a and 267-b in accordance with the powers granted in and pursuant to the provisions of §10 of the Municipal Home Rule Law and §10 of the Statute of Local Governments. It is the intent of the Village Board pursuant to §10 of the Municipal Home Rule Law, to supersede the

provisions of the Village Law set forth above relating to the reviewing body and process and procedure governing the granting of variances.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new use which is defined by the Village of Athens Zoning Law as Special in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided for in the Village's Zoning Law and by applicable local laws, ordinances, rules, regulations of the Village for violations; and
- B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with 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 which can be given effect without such invalid provision.

Section 8. Effective Date.

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