

SECTION 1. SHORT TITLE

This Local Law shall be cited as Local Law # 3 of 1990, or the Town of Columbia Moratorium of 1990.

SECTION 2. LEGISLATIVE FINDINGS

The Town of Columbia is facing unprecedented growth and development. Current proposals for property located within the Town of Columbia include real estate subdivisions, projects, trailer parks, mobile home sites, manufactured and pre-fab home sites, potential reclamation and disposition sites, and other uses.

The Town of Columbia does not have a comprehensive zoning ordinance in effect. Thus, development has been conducted on a piecemeal basis without regard to any comprehensive planning.

The undeveloped and/or agricultural property of the Town of Columbia are the most valuable assets of the Town. The Town Board has determined that this resource may be in jeopardy if comprehensive zoning is not enacted at this time. A Planning Commission has been established by the Town Board to investigate zoning for the Town of Columbia and make recommendations to the Town Board regarding a comprehensive land use plan. Said zoning commission's proceedings are now in progress. The Town anticipates prompt action on the proposals made by the commission, and further anticipates adoption of a zoning law at the conclusion of the planning commission's work, deliberations and recommendations. The Town Board members, and members of the Planning Commission, and interested citizens are concerned that applications designed to circumvent such zoning law will proliferate.

A public hearing was held by the Town Board on December 13,

1990 for the purpose of considering whether or not to enact a moratorium on new or additional development within the Town prior to the enactment of a Town-wide Zoning Law. As a result, the Town Board does hereby find that pending the completion of the necessary environmental impact statement as now required by the SEQR process, review by the Herkimer-Oneida County Planning Board, and other action incident to the proper adoption of a comprehensive zoning plan for the Town, significant development may occur which may be inconsistent with the provisions of a proposed zoning law and recommendations of the planning commission.

The Town Board further finds that significant development in the Town prior to the completion of the zoning and planning process may substantially reduce the effectiveness of zoning and interfere with the ability of the Board to properly plan for growth and development and lessen the ability of the Board to afford adequate facilities for the distribution of public services, comfort, convenience, public health and safety, and the general welfare of the citizens of Columbia.

SECTION 3. SCOPE OF CONTROL

A. For a period of eight months from the effective date of this ordinance, no applications for building permits or subdivision approval shall be accepted or considered by officials, boards or commissions of the Town of Columbia, nor shall any person, individual, corporation, partnership, or any other property owner, subdivide any parcel of real property, except as otherwise expressly provided hereinafter.

B. The forgoing restriction shall not apply to the following:

(1) The maintenance, repair, replacement, modification or alteration of existing residential, commercial or industrial structures, providing that such modification or alteration does not occur outside the boundary lines of the property. Further, nothing herein shall be interpreted to prohibit the construction of an attached or detached garage for an existing residential structure.

(2) The development of any subdivision which, as of the effective date of this ordinance has an application pending before the Town of Columbia, or any other appropriate governmental agency, body, or subdivision with jurisdiction to approve the same, for review, and which is subsequently approved by the Town of Columbia, or such appropriate body.

(3) Building permits for single-family homes on existing parcels which do not require subdivision approval.

C. **Subdivision, defined:** The term "subdivision" as used herein shall be defined as the division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways.

SECTION 4. APPEAL PROVISIONS

The Town Board shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, after public hearing on notice, that this local law would impose extraordinary hardship upon a landowner or developer, and that a variance from this act will not adversely affect the health, safety and general welfare of the Town. Any request for an exception or variance shall be filed with the Town Supervisor, or his designee, and shall include a fee of One Hundred Dollars

(\$100.00) for the processing of such application. All such applications shall be promptly referred to the Town Board for a hearing and final decision.

SECTION 5. PENALTIES

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure in violation of the provisions of this local law shall be subject to a penalty in the amount of One Hundred Dollars (\$100.00) for each day such violation shall exist.