

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provides for the adoption and enactment of local laws, and

WHEREAS, the Attorney for the Town has prepared a proposed Local Law to Establish a One-Year Moratorium on all Applications for Rezoning, and

WHEREAS, the Town Board has reviewed and modified the proposed Local Law and the Town of Lancaster believes it is in the public interest to consider enacting a Local Law of the year 2018 which reads as follows:

A LOCAL LAW OF THE YEAR 2018 which shall be known and may be cited as the “**Town of Lancaster Rezone Application Moratorium**”. The proposed Local Law shall be applicable within the confines of the municipal boundaries of the Town of Lancaster.

Section 1: Purpose and Intent

The Town of Lancaster is in the process of revising and updating its (Zoning Code), following the completion of the comprehensive planning process. The Zoning Code regulates land use within the Town. The primary purpose of this moratorium is to temporarily stop the processing of rezoning applications which could potentially conflict or frustrate the ultimate conclusions and recommendations which will be set forth in the updated Zoning Code. As rezonings are required to be in accordance with the comprehensive plan and processed according to the Town Code, it is important to have the Town Zoning Code review complete before any such application is evaluated.

Section 2: Legislative Findings

Professionals are currently engaged by the Town to assist with the development of a revised and updated Town Zoning Code. The updated Zoning Code should be completed for review and consideration by Fall 2019. The potential exists for land use development through the use of rezoning which could conflict with the Town’s intention to implement zoning regulations that are consistent with the recommendations set forth in the comprehensive plan. This Local Law will provide a temporary Moratorium on rezoning while the Zoning Code is under review to allow the Town to complete the process.

This Moratorium will also allow adequate time for the Town Board of Lancaster to implement legislation it deems necessary and appropriate for the Town, based on recommendations of the comprehensive plan. The Moratorium will also avoid land use development which may be contrary to the provisions of the comprehensive plan and may adversely affect or prevent the crafting and implementation of zoning regulations pursuant to the adopted comprehensive plan. It is intended to preserve the status quo pending the adoption of the amended planning and zoning regulations in accordance with the newly adopted comprehensive plan.

Section 3: Moratorium Imposed

Effective immediately and continuing for a period of one (1) year, following the date on which this Local Law is filed with the Secretary of State, the Town Board and Planning Board of the Town of Lancaster and all other Town agencies and personnel shall not accept, process, review, or consider any applications for rezoning within the Town limits.

Notwithstanding the provisions of Section 3, Paragraph 1 immediately above, this Local Law shall not apply to any property within the Moratorium area for which a complete application for rezoning has been properly filed with the Town of Lancaster as of the effective date of this Local Law.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a rezoning approval in the Town of Lancaster.

The Town Board may, by resolution, terminate this Moratorium prior to its expiration or alternatively, extend the Moratorium for an additional six (6) months, as the Town Board, in its sole discretion, deems necessary to allow for the adoption of the Zoning Code to be completed.

Section 4: Term

This Moratorium shall be in effect for a period of one (1) year from its effective date. As noted above, this term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolution of the Town Board.

Section 5: Variance

An application for a variance from the terms of this moratorium may be submitted, with a \$450.00 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Lancaster, which are hereby superseded, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

Section 6: Effect on Other Laws

To the extent that any law, ordinance, rule, or regulation, or parts thereof, are in conflict with the provisions of this Local Law, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 7: Severability

Should any provision of this Local Law be declared by the Courts to be unconstitutional or invalid, such a decision shall not affect validity of this Local Law as a whole or any part thereof other than the parts so decided to be unconstitutional or invalid.

Section 8: Effective Date

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. A public hearing for the proposed Local Law is hereby set for the 17th day of September, 2018 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

September 4, 2018

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted September 4, 2108, the said Town Board will hold a Public Hearing on the 17th day of September, 2018 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons for the purposes of considering and possibly adopting a Local Law of the year 2018 which Establishes a One-Year Moratorium on Applications for Rezoning within the Town of Lancaster. Copies of the proposed Local Law of the year 2018 are available at the office of the Town Clerk for inspection at Town Hall at its address listed above, between the hours of 9:00 A.M. and 4:00 P.M.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: Diane M. Terranova
Town Clerk**

September 6, 2018

Town of Lancaster
Local Law No. ____ of 2018

A Local Law to Establish a One-Year Moratorium on Applications for rezoning.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Purpose and Intent

The Town of Lancaster is in the process of revising and updating its (Zoning Code), following the completion of the comprehensive planning process. The Zoning Code regulates land use within the Town. The primary purpose of this moratorium is to temporarily stop the processing of rezoning applications which could potentially conflict or frustrate the ultimate conclusions and recommendations which will be set forth in the updated Zoning Code. As rezonings are required to be in accordance with the comprehensive plan and processed according to the Town Code, it is important to have the Town Zoning Code review complete before any such application is evaluated.

Section 2: Legislative Findings

Professionals are currently engaged by the Town to assist with the development of a revised and updated Town Zoning Code. The updated Zoning Code should be completed for review and consideration by Fall 2019. The potential exists for land use development through the use of rezoning which could conflict with the Town's intention to implement zoning regulations that are consistent with the recommendations set forth in the comprehensive plan. This Local Law will provide a temporary Moratorium on rezoning while the Zoning Code is under review to allow the Town to complete the process.

This Moratorium will also allow adequate time for the Town Board of Lancaster to implement legislation it deems necessary and appropriate for the Town, based on recommendations of the comprehensive plan. The Moratorium will also avoid land use development which may be contrary to the provisions of the comprehensive plan and may adversely affect or prevent the crafting and implementation of zoning regulations pursuant to the adopted comprehensive plan. It is intended to preserve the status quo pending the adoption of the amended planning and zoning regulations in accordance with the new comprehensive plan.

Section 3: Moratorium Imposed

Effective immediately and continuing for a period of one (1) year, following the date on which this Local Law is filed with the Secretary of State, the Town Board and Planning Board of the Town of Lancaster and all other Town agencies and personnel shall not accept, process, review, or consider any applications for rezoning within the Town limits.

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This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a rezoning approval in the Town of Lancaster.

The Town Board may, by resolution, terminate this Moratorium prior to its expiration or alternatively, extend the Moratorium for an additional six (6) months, as the Town Board, in its sole discretion, deems necessary to allow for the adoption of the Zoning Code to be completed.

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To the extent that any law, ordinance, rule, or regulation, or parts thereof, are in conflict with the provisions of this Local Law, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 7: Severability

Should any provision of this Local Law be declared by the Courts to be unconstitutional or invalid, such a decision shall not affect validity of this Local Law as a whole or any part thereof other than the parts so decided to be unconstitutional or invalid.

Section 8: Effective Date

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.