

§1 **Title.** This local law shall be known as the “2015 Town of Rockland Limited Land Use Moratorium.”

§2 **Purpose.** The purpose of this local law is to protect the public health, safety and welfare by restricting the development of certain land uses within the Town of Rockland, as hereinafter identified, for a limited period of time in order to prevent development thereof in a manner inconsistent with the Town of Rockland Comprehensive Plan pending revision of the Town’s Zoning Law to regulate such uses in a manner consistent with the Town of Rockland Comprehensive Plan.

§3 **Findings.** The current Town of Rockland Comprehensive Plan (“the Plan”) was adopted by the Town Board on OCT 7 2010. As the result of changing and increasing developmental pressures, the Town Board is concerned that certain inconsistencies between the Plan and the current Town of Rockland Zoning Law (“the Zoning Law”), which predates the Plan, might result in development of certain land uses in a manner inconsistent with and not contemplated by the Plan. It is necessary and appropriate, therefore, to implement a temporary and limited moratorium with respect to the development of certain land uses in the Town of Rockland in order to preserve the status quo while the Town Board completes its evaluation and formulates revisions in the Zoning Law to bring greater conformity thereof with the Plan, thereby reducing the possibility that any such revisions may be rendered ineffective and their purpose defeated as the result of such certain land uses.

§4 **Moratorium Imposed.**

A. **Land Uses Temporarily Prohibited.** For a period of six (6) months following the date of adoption of this local law, no site plan or special use permit shall be reviewed or approved by the Planning Board and no building permit shall be issued by the Code Enforcement Officer with respect to any of the following land uses in the following designated zoning districts in the Town of Rockland:

NB Neighborhood Districts

- Essential Services as a Principal Permitted Use
- Charitable or Religious Institutions as a Special Use
- Health Facilities generating less than 250 trip-ends daily as a Special Use
- Hotels/Motels as a Special Use
- Major Impact Principal Uses as a Special Use
- Multi-Family Dwellings as a Special Use

GB General Business Districts

- Charitable or Religious Institutions as a Principal Permitted Use
- Child Care Centers as a Principal Permitted Use

Community Centers as a Principal Permitted Use
Health Facilities as a Principal Permitted Use
Multi-Family Dwellings as a Principal Permitted Use
Parks as a Principal Permitted Use
Recreation/Entertainment Facilities as a Principal Permitted Use
Agricultural Processing Activities as a Special Use
Educational Institutions as a Special Use
Health Facilities as a Special Use
Hotels/Motels as a Special Use
Major Impact Principal Uses as a Special Use
Places of Assembly as a Special Use

RC Rural Conservation District

Camps as a Principal Permitted Use
Outdoor Recreation Facilities as a Principal Permitted Use
Parks (public and private) as a Principal Permitted Use
Charitable or Religious Institutions as a Special Use
Educational Institutions as a Special Use
Hotels/Motels as Special Use
Major Impact Principal Uses as a Special Use
Mobile Home Parks as a Special Use
Multi-Family Dwellings as a Special Use

B. Evaluation and Revision of Existing Regulations. During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and adopt revisions to the Town's Zoning Law to address the use and regulation of the aforesaid land uses in the foregoing zoning districts.

§5 Extension of Moratorium. This moratorium may be extended for up to two (2) additional periods not exceeding three (3) months each by resolution of the Town Board upon a finding of necessity for such extension.

§6 Relief From Requirements. The Town Board reserves to itself the power and sole discretion to vary or adapt the strict application of this local law in the case of unusual hardship or circumstances that would deprive a property owner of the reasonable use of lands affected by this local law. Accordingly, by duly adopted resolution, the Town Board may authorize the Planning Board to review and consider for approval or disapproval a special use and site plan the review of which is otherwise precluded by this local law, or the Code Enforcement Officer to issue a building permit that is otherwise precluded by this local law, subject to the regular review process for such special use and site plan, or building permit, under circumstances where:

- A. An application for a variance is filed, in writing, with the Town Clerk, together with a filing fee in the sum of \$150.00. The application shall specifically identify the land involved, recite the nature and scope of the proposed development, provide a narrative description and a sketch plan of the proposed development, and describe the reasons for which the variance is requested and the grounds upon which it is sought to be approved, including all facts and circumstances upon which hardship is claimed.
- B. All costs incurred by the Town in connection with the consideration of the application for a variance are paid by the applicant, including but not limited to all professional consulting fees such as attorneys, engineers and planners.
- C. The applicant demonstrates that this local law has resulted in unnecessary hardship in that: the applicant has been deprived of substantially all economic use or benefit from the property in question, which must be established by competent financial evidence; the alleged hardship is unique to the applicant's property and does not apply to a substantial portion of other properties in the areas of the Town to which this local law applies; and the variance, if granted, will not pose a present or future risk to the health, safety and welfare of the residents in the vicinity of the proposed development and the Town at large.
- D. The Town Board may refer any applications for a variance hereunder to the Town Planning Board, the Zoning Board of Appeals, any other Town board, committee or department, and/or its professional consultants for their advice and recommendations. Nevertheless, all decisions as to the granting or denying of such variances shall be made by the Town Board in its sole and absolute discretion after determining whether the requested variance is compatible with protection of the environment and any contemplated revisions to the Town's Zoning Law. No variance shall be granted unless the Town Board determines the requested variance is compatible therewith.
- E. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days after it determines that a complete application has been submitted to it. The Town Board shall render its determination upon any application for a variance within sixty-two (62) days after the conclusion of the public hearing.

§7 **Conflict With Other Laws.** This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in effect, it specifically supersedes and shall take precedence over any contrary laws, ordinances and provisions, including but not limited to §267, §267-a, §267-b, §274-a and §274-b of the Town Law of the State of New York, Chapter 60

(Building Construction) of the Code of the Town of Rockland and Chapter 185 (Zoning) of the Code of the Town of Rockland.

- §8 **Penalties for Offenses and Enforcement.** Any person who shall develop or erect or install improvements upon land in violation of this local law, or break ground for the purpose thereof, shall be guilty of a violation and subject to a fine not to exceed \$1,000.00 or six (6) months in jail, or both. Each week a violation continues shall be considered a separate violation. This local law shall be enforced by the Code Enforcement Officer of the Town of Rockland who is hereby granted authority to issue appearance tickets for the purpose thereof. Upon authorization by the Town Board, this local may also be enforced by civil action brought in the name of the Town for the purpose of obtaining injunctive relief and recovering civil penalties of \$1,000.00 for each week a violation of the local law continues.
- §9 **Effect of Invalidity.** If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.
- §10 **Effective Date.** This local law shall take effect immediately upon filing in the office of the Secretary of State.