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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**VILLAGE OF TIVOLI**

**LOCAL LAW NO. 2 OF 2012**

**A LOCAL LAW PLACING A SIX-MONTH MORATORIUM  
ON ALL APPLICATIONS AND PERMITS IN THE RB  
DISTRICT EXCEPT FOR ONE- AND TWO-FAMILY DWELLINGS**

**BE IT ENACTED** by the Board of Trustees of the Village of Tivoli as follows:

**§ 1: Legislative Intent and Findings.**

The Village of Tivoli has authorized a Zoning Review Committee to review the current zoning in the RB District and to recommend amendments to implement the provisions of the Village's Comprehensive Plan.

This Village Board, in order to consider, formulate and amend its local laws and regulations, in accordance with the Village's Comprehensive Plan and with the Zoning Review Committee's recommendations, and to reduce the potential adverse effect of the taking of action during the pendency of its planning considerations, finds that it is in the public interest to enact this local law. This local law prohibits the following: (i) application for, consideration or approval of any site plan, special permit, area variance or use variances or subdivision for any principal use or specially permitted use in the RB District, except for one- and two-family dwellings; and (ii) application for or issuance of a building permit for any principal use or specially permitted use in the RB District, except for one- and two-family dwellings.

The Board of the Village of Tivoli finds that a moratorium for six (6) months is necessary and in the public interest of the residents of the Village of Tivoli who otherwise may be adversely affected by changes in use occurring during the pendency of the planning process; and that a moratorium is a Type II action under the State Environmental Quality Review Act regulations and is not subject to environmental review.

## **§ 2. Moratorium.**

a. A moratorium is hereby imposed from the effective date of this local law for a period of six (6) months thereafter on (i) application for, consideration or approval of any site plan, special permit, area variances or use variances or subdivision for any principal or specially permitted use in the RB District, except for one- and two-family dwellings; and (ii) application for or issuance of a building permit for any principal or specially permitted use in the RB District, except for one- and two-family dwellings.

b. The Planning Board shall not consider any applications for site plan review or special use permit approval, or subdivision, including any such application currently pending before the Planning Board, within the RB District, except for one- and two-family dwellings, for the term of this moratorium.

c. No building permit shall be issued under the Zoning Code of Tivoli for the construction of any new principal building within the RB District, except for one- and two-family dwellings, for the term of this moratorium.

d. The Zoning Board of Appeals shall not consider any application for a use or area variance for the construction of any new principal building, except for one- or two-family dwellings, within the RB District, including any such application currently pending before the Zoning Board of Appeals, for the term of this moratorium.

## **§ 3. Hardship Waiver.**

a. The Village Board may waive the provisions of this moratorium upon the application of an owner of property upon which the subdivision of or construction of new principal buildings described in Section 3(a) hereof within the RB District would have been a permitted principal or special permit use in the absence of this moratorium, provided that the applicant can demonstrate, and the Village Board can find, based upon competent evidence, that (1) the application of the moratorium to the applicant's property will cause the applicant substantial economic hardship, (2) the proposed use of the property will not harm the public health, safety and welfare, and (3) the proposed use of the property is consistent with the comprehensive plan of the Village of Tivoli and compatible with the surrounding land uses.

b. Upon submission of written application to the Village Clerk by the property owner seeking a hardship waiver to this moratorium, the Village Board shall, within thirty (30) days of receipt of such application, schedule a public hearing. Public notice of such hearing shall be given at least five (5) days prior to the date thereof in the official newspaper of the Village. At said public hearing, the property owner, and other parties wishing to present evidence with regard to the application, shall have an opportunity to be heard, and the Village Board shall within thirty (30) days of the close of said public hearing render its decision either granting, with or without conditions, or denying the application.

## **§ 4. Supersession of Village Law.**

This local law supersedes Sections 7-712-a, 7-712-b, 7-725-a, 7-725-b and 7-728 of New York Village Law.

**§ 5. Penalties for Violation.**

In the event of violation of this local law, the penalties shall be those listed in Section 231-76 of the Village Code of the Village of Tivoli.

**§ 6. Severability.**

Should any sections or provisions of this local law be determined by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**§ 7. Effective Date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.