

## Town of Barrington Local Law No. 3 of the Year 2007

**Be it enacted** by the Town of Barrington Town Board as follows:

### Section 1. STATEMENT OF LEGISLATIVE INTENT:

The Town is actively engaged in the complete revision of its Comprehensive Plan and it is anticipated that sweeping zoning law changes will be needed effectuate the revised Comprehensive Plan. The anticipated zoning law changes may include, but are not limited to, new or modified district classifications, the addition or elimination of permitted uses in district classifications, modified lot sizes, new subdivision regulations, new special use permit regulations, stricter land use protections in general, among other changes. These and other issues need to be reviewed by the Town Board and it is the intent of the Town Board to enact temporary legislation to preserve the status quo relative to particular areas of the Town and particular areas of land use regulation currently under consideration for future modification. The Town believes it appropriate to enact this temporary legislation to ensure that new development is reviewed under the land use regulations, as they may be amended, instead of under the existing land use regulations.

### Section 2. Moratorium

#### A. Prohibited Development:

1. The review, approval, or construction of any new multi-dwelling residential development, not previously approved before the filing date of this local law, in the Lake Residential District is hereby prohibited.
2. The review, approval, or construction of any new development, not previously approved before the filing date of this local law, predicated on the provisions of the Planned Development District is hereby prohibited.
3. The review, approval, or construction of any new commercial and/or industrial use, not previously approved before the filing of this local law, and anticipated to employ ten (10) or more employees is hereby prohibited.
4. The review or approval of any subdivision that creates a lot of less than five (5) acres is prohibited.
5. The review or approval of any subdivision that creates three (3) or more lots is prohibited. The submission of multiple subdivision applications and/or the sequencing of subdivision applications as a means to subvert the intent of the prohibition on subdivisions creating three (3) or more lots is prohibited.
6. The review or approval of any subdivision that creates a lot with only road frontage on a non-dedicated road and/or private driveway is prohibited.

- B. This moratorium is effective for a period of six (6) months from the filing date of this Local Law with the New York State Department of State and shall

Law with the New York Department of State, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town of Barrington.

### Section 3. Penalties

Any person, firm, entity or corporation which shall violate the provisions of this Local Law shall be subject to:

1. A fine of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Building Inspector to enforce the provisions of this Local Law.

### Section 4. Hardship Waiver:

- (a) The Town Board shall have the power to grant exceptions to the moratorium created under this Local Law.
- (b) Waivers may be granted by the Town Board upon a showing by the applicant that, but for the moratorium:
  - i. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible or, in the case of a property owned by an entity certified under Section 501(c)(3) of the Internal Revenue Code, where the failure to permit demolition would unreasonably interfere with the applicant's charitable purpose;
  - ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;
  - iii. Reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed; and
  - iv. The alleged hardship has not been created by the applicant.
- (c) No such waiver shall be granted by the Town Board without first holding a public hearing, notice of which hearing, including the substance of the application for waiver under this Local Law, shall be given by publication in the official newspaper of the Town and posting upon the Town Clerk's bulletin board, and by mailing to

all residents within 500 feet of the property in question, in each case, at least ten (10) days before such hearing.

- (d) In addition, the Town Board may grant a waiver on an emergency basis based on the recommendation of the Building Inspector.

Notwithstanding the moratorium, permits may be issued for interior renovations and exterior renovations to the exterior façade of an existing building, in whole or in part, including exterior windows, exterior doors, siding and the like.

#### Section 5. Supersession of Provisions of State Law.

This Local Law supersedes the provisions of all other provisions of State Law including the Uniform Fire and Building Code.

#### Section 6. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Town of Barrington Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

#### Section 7. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

#### Section 8. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.