

TOWN OF CAROLINE, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER ___ OF 2021

**A LOCAL LAW MODIFYING AND EXTENDING THE EXISTING MORATORIUM UPON
LAND USE DEVELOPMENT REVIEWS AND APPROVALS AND COMMERCIAL,
RETAIL, BUSINESS, AND INDUSTRIAL LAND DEVELOPMENT ACTIONS**

Be it enacted by the Town of Caroline as follows:

SECTION 1: This Local Law shall be known as “Local Law Number __ of 2021.” It is the intent of this Local Law to extend the land use and development moratorium imposed by Local Law #1 of 2020 until August 1, 2022 or the date upon which the Town of Caroline (“Town”) adopts and enacts an initial zoning law, or determines not to adopt a zoning law and instead implements a comprehensive regulatory update for subdivision and site plan reviews.

SECTION 2: Local Law #1 of 2020 is amended as follows:

- A. Section 3 is thereof is amended by replacing the first paragraph thereof, such that said first paragraph now reads:

“The Town Board wishes to place a moratorium on consideration and approval of residential and commercial projects subject to Subdivision or Site Plan Review pending completion and adoption of its initial zoning law (or, if not adopted, then upon the adoption of amendments to subdivision and site plan review regulations), particularly as the Comprehensive Plan has now been completed and adopted. The Comprehensive Plan specifically recommended the consideration of enhanced land use controls, including specifically zoning and, after continued and careful deliberation, the Town Board again duly finds and re-declares that the Town’s lack of a comprehensive zoning scheme likely does and will prevent or impede the accomplishment of the goals and community visions as are outlined in the Town’s 2020 Comprehensive Plan. In accordance with these determinations, the Town Board believes that it is necessary to enact and continue this temporary moratorium so that the Town can, during the pendency of this moratorium, consider and adopt resolutions, policies, and local laws necessary to implement changes to local laws and consider and adopt a new zoning code which will promote and maintain the rural character, livability, and natural resources of the Town, and protect the health and safety of its residents.”

- B. Section 3 thereof is further amended to add a new paragraph at the end thereof, reading as follows:

“Since the date this local law implemented this moratorium, the Town has pursued and made steady progress towards the goals identified in, and which duly support, this moratorium, including but not limited to: (i) completing and adopting the updated Comprehensive Plan, and implementing the review thereof relative to land use controls and general recommendations; including through (ii) the formal appointment of a Zoning Commission under Town Law §§ 264 and 266, which Zoning Commission has had several meetings and concurred that a draft zoning law should be developed to implement the Comprehensive Plan and its vision, with initial work thereupon duly underway; and (iii) a RFP for professional planning assistance has been developed and released to hire a planner to oversee and advise upon this process; and (iv) interviews and the hiring process for selecting and engaging a planner has commenced, such that substantial progress is reasonably and actually expected to

continue to implement the goals identified in this local law, for all of the reasons (among others) as are set forth in this local law.”

C. The second bulleted point in § 4 is amended and replaced, and now reads as follows:

“The Town of Caroline’s Planning Committee has completed the Comprehensive Plan and has identified the types of land use and resource regulations as will best implement the shared community vision of the Town, and zoning is the preferred, identified tool needed (with updated and enhanced subdivision and site plan review regulations being the next best option if the zoning is not accepted by the Town Board).”

D. The fourth bulleted point in § 4 is amended and replaced, and now reads as follows:

“The Town Board has reviewed the Comprehensive Plan and recommendations of the Planning Committee and agreed that zoning was the best tool for implementing the goals of the Comprehensive Plan. The Town Board has also appointed a Zoning Commission and believes, and hereby so declares, that the best tool for regulating land use density, intensity, and allowed primary and secondary uses, for both residences and commercial sites and users, as well as for both small and large parcels of land throughout the Town, is through the adoption of a zoning law.”

E. The opening paragraph of Section 5 is amended and replaced, and now reads as follows:

“It is anticipated that the Town will hire a planner, and that such planner, working with the Zoning Commission and the Town, will complete the public input, drafting, and review processes and present a draft zoning law to the Town Board within 180 to 270 days from the adoption of this amendatory local law. It is further anticipated that the Town Board, Review Board, and Planning Board will thereafter undertake a comprehensive and critical review of the same, and will make recommendations for amendments and improvements, and that the Town Board will undertake creating a final draft for consideration, as well as required notification to County Planning and all neighboring communities, required public hearings, and a final review of such law, all together with an environmental analysis thereof, within 180-days of the date of presentation of the initial draft law. It is recognized that such timeline will be strongly affected by the environmental review under Environmental Conservation Law Article 8 (and its implementing regulations at 6 NYCRR Part 617), as well as whether an environmental impact statement will be sought or required. Thus, this moratorium be and hereby is continued, and will not expire, until August 1, 2022, unless sooner terminated by action of the Town Board undertaken in conjunction with the adoption of a zoning law (or updated site plan and subdivision regulations, as applicable).”

SECTION 3: Except as extended and amended hereby, the balance of Local Law #1 of 2020 remains in full force and effect as originally enacted, including as extended.

SECTION 4: If any portion of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

SECTION 5: This Local Law shall take effect immediately.