

(Use this form to file a local law with the Secretary of State.)

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.

**TOWN OF TAGHKANIC
LOCAL LAW NO. 2 OF 2018
A LOCAL LAW TO AMEND THE ZONING**

BE IT ENACTED by the Town Board of the Town of Taghkanic as follows:

Section 1. Legislative intent.

This Local Law amends The Zoning Ordinance of the Town of Taghkanic by placing a six-month moratorium on all proposed requests, applications and activities associated and authorized by the Zoning Ordinance for certain uses specified in Section III, Use Regulations. New demands for overnight accommodations involving camping, glamping, recreational vehicles, and similar outdoor experiences may not be adequately addressed by the Town’s current Zoning Ordinance. Glamping can refer to a wide variety of lodging accommodations such as Airstreams and trailers, domes, barns, cubes and pods, huts and cottages, lodges, tents, tipis/tepees, treehouses, yurts, wagons, and similar overnight structures. The purpose of the moratorium is to provide sufficient time for the Zoning Commission and Town Board to consider adoption of changes to its land use regulations to address new circumstances not addressed by the current Zoning Ordinance.

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 3. Moratorium

1. A moratorium is hereby imposed from the effective date of this Local Law for a period of six (6) months on:
 - a. The filing and acceptance by the Town of any request of a landowner for a permit or other approval to establish a new land use permitted by Section III, Use Regulations as a “Trailer Park,” a “Resort hotel, camp, resort ranch, resort lodge,” a “Club or recreation use,” and “Commercial recreation uses, specifically oriented toward the use of mountain land, such as ski areas, ski-tow warming and ski maintenance huts, swimming and camping areas.”

- b. Acceptance of any pending request by a landowner for a permit or other approval to establish a new land use permitted by Section III, Use Regulations as a “Trailer Park,” a “Resort hotel, camp, resort ranch, resort lodge,” a “Club or recreation use,” and “Commercial recreation uses, specifically oriented toward the use of mountain land, such as ski areas, ski-tow warming and ski maintenance huts, swimming and camping areas”; and
 - c. The filing or processing by the Planning Board or Zoning Board of Appeals for a permit or other approval to establish a new land use permitted by Section III, Use Regulations as a “Trailer Park,” a “Resort hotel, camp, resort ranch, resort lodge,” a “Club or recreation use,” and “Commercial recreation uses, specifically oriented toward the use of mountain land, such as ski areas, ski-tow warming and ski maintenance huts, swimming and camping areas.”
2. The Planning Board shall not consider any applications for site plan review or subdivision approval, including any such application currently pending before the Planning Board, for matters within the scope of this moratorium for the term of this moratorium.
3. No permit shall be issued under the Town of Taghkanic Zoning Ordinance for the construction of any new building or structure or for the use of land for matters within the scope of this moratorium for the term of this moratorium.
4. The Zoning Board of Appeals shall not consider any application for a conditional use permit or use or area variances for the construction of any new principal building or accessory structure or for the use of land, including any such application currently pending before the Zoning Board of Appeals, for matters within the scope of this moratorium for the term of this moratorium.
5. Exemptions. This moratorium shall not apply to any activity authorized by a permit in existence prior to the effective date of this law.

Section 4. Authority

This local law is authorized by the New York State Constitution, Article IX, Section 2, the provisions of the New York Municipal Home Rule Law (MHRL), the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws and ordinances of the Town of Taghkanic and the general police power vested with the Town of Taghkanic to promote the health, safety and welfare of all residents and property owners within the Town.

Section 5. Relief from Hardship

1. If any owner of property within the Town of Taghkanic seeks relief from this moratorium to enable such owner to apply for, or seek continued review of, activities otherwise prohibited under this moratorium, such owner shall make application therefore to the Taghkanic Zoning Board of Appeals.
2. It shall be the burden of the owner for such relief to demonstrate to the satisfaction of the Taghkanic Zoning Board of Appeals, upon clear and convincing evidence, that an unjust result and extraordinary financial hardship will occur to the property owner, if such relief is not granted, and such showing shall demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town.
3. Such relief shall be the subject of a public hearing before the Zoning Board of Appeals.
4. It shall be within the discretion of the Zoning Board of Appeals to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium.

Section 6. Penalties for Violation

In the event of violation of this local law, the penalties shall be those enumerated in Section X.C of the Zoning Ordinance.

Section 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.