

LOCAL LAW #2, 2010

A LOCAL LAW IMPOSING A MORATORIUM ON CONVERSION OF SINGLE FAMILY RESIDENCES TO MULTI-FAMILY RESIDENCES WITHIN THE CITY OF ONEONTA

WHEREAS, the City of Oneonta, after extensive study and review, adopted a Comprehensive Plan on the 15th day of May, 2007; and

WHEREAS, that Comprehensive Plan made several recommendations for proposed statutory changes to aid in the accomplishment of the goals for the City as set forth therein including, but not limited to, the revision of the City land use plan; and

WHEREAS, the City of Oneonta has retained consultants to aid the City during the past year to perform a comprehensive review of its zoning laws, and other related statutes, as they effect the quality of life for all City residents. That review has generated proposed changes to the City's zoning laws that, if implemented, will have a significant impact on the overall development plan and regulation of residential housing within the City; and

WHEREAS, the City of Oneonta wishes to preserve, to the extent possible, the current status of the City housing stock and carefully consider ways to best implement and achieve the goals asserted in the Comprehensive Plan, in order that the best possible oversight and review processes and procedures may be applied for the purpose of preserving and protecting the continued community character, consistent with that Comprehensive Plan,

NOW THEREFORE, BE IT ENACTED by the Common Council of the City of Oneonta as follows:

Section 1. PURPOSE

The zoning codes and regulations of the City of Oneonta as currently written may be inadequate to address certain applications for approval of some land uses. The proliferation of the conversion of single family dwellings into multiple family rental properties within the City can have dramatic and long-term impacts on the public health and safety, quality of life, environment, natural resources, public infrastructure, and revenue base of the City. In addition, land use regulation regarding rental properties may have other significant consequences including a broad effect on the economic value of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

The Common Council has commenced and is conducting a review of the City's resources, current zoning and existing land use regulations, and the desires of the residents of the City regarding achieving the goals set forth in the Comprehensive Plan.

In order to provide an opportunity to perform this task, there shall be a moratorium on the issuance of any permit, variance, or other authorization of any kind by the City of Oneonta for a period of eight (8) months from the date of the implementation of this statute, except as hereinafter set forth, which would allow for the conversion of a single family residence to be used, modified, or authorized to be used as a multi-family dwelling, all as defined by the City Code of the City of Oneonta.

Section 2. AUTHORITY

This moratorium is enacted by the Common Council of the City of Oneonta pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law §10.

Section 3. ENACTMENT OF TEMPORARY MORATORIUM

For a period of eight (8) months following enactment of this Local Law, the Code Enforcement Office of the City of Oneonta is prohibited from accepting any application for, or issuing, any permit; the Zoning Board of Appeals shall not grant any variance, and no other office or Board of the City shall grant a permit or authorization of any kind which would allow for the conversion of a single family residence to be used, modified, or authorized to be used as a multi-family dwelling, all as defined by the City Code of the City of Oneonta.

Excluded from this prohibition are any projects that have completed an application for such conversion and have expended significant economic resources towards the conversion prior to the enactment of this Local Law.

Section 4. EARLY TERMINATION OR EXTENSION OF THIS LOCAL LAW

In the event that any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by this Council prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with §27 of the Municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the Common Council that an extension of this moratorium is required, then the Common Council by Resolution, may extend this moratorium for such a period of time as it deems necessary in order to fulfill the findings heretofore made by the Common Council, up to and including four (4) additional months from the date of the original intended expiration of this Local Law.

Section 5. CONFLICTS WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE

To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control.

Section 6. APPEALS

Any person desiring an exemption from the temporary moratorium imposed by this Local Law shall present a waiver request to the Common Council of the City of Oneonta, and the Council shall have the discretion to grant such waiver.

In granting a waiver, the Common Council must find that the waiver will not adversely affect the purpose of this Local Law or the health, safety or welfare of the residents of the City.

If the Common Council grants a waiver, the Code Enforcement Office will then be authorized to issue permits, inspect the premises, and issue a Certificate of Substantial Compliance in conformity with the law as it is in effect at the time of its issuance.

Section 7. SEVERABILITY

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.