

Local Law Filing

(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.

County City Town Village
(Select one.)

of CICERO

Local Law No. #2 of the year 2024

A local law A local law adopting a reslution approving a moratorium on commercial
(Insert Title)
development in the area on and near the south shore of Oneida Lake in the Town of Cicero
please see attached Local Law #2 of 2024 that was approved the the Cicero Town Board

Be it enacted by the Town of Cicero Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Cicero in the County of Onondaga as follows:

Local Law #2 of 2024

Please find attached the resolution that was adopted by the Cicero Town Board as follows:

A LOCAL LAW OF THE TOWN OF CICERO, also known as " The Town of Cicero Temporary Lakeshore Area Development Moratorium," in relaon to the creaon of a temporary moratorium on development in an area on and near a poron of the south shore of Oneida Lake in the Town of Cicero.

IT IS HEREBY ORDAINED AND ENACTED by the Town Board of the Town of Cicero, Onondaga County, New York, as follows: That Town of Cicero Local Law Number 2 of the year 2024 entled " Temporary Moratorium on Development in the Lakeshore Area" is hereby adopted to enact a six (6) month moratorium prohibiting the consideraon and/or approval of site plans, zone changes, building permits, special use permits, and subdivisions within a defined area as set forth herein.

This temporary moratorium may be further extended or terminated by the Town Board. This law applies to pending applicaons, is subject to specified exempons, and has a provision for relief from strict applicaon.

Please see attached Local Law 2 of 204 approved by the Cicero Town Board February 14, 2024.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Sharon C. O'Neil
Clerk of the county legislative body, City, Town, or Village Clerk or officer designated by local legislative body

Date: 2/15/2024

(Seal)

LOCAL LAW NUMBER 2 OF THE YEAR 2024

A LOCAL LAW OF THE TOWN OF CICERO, also known as “The Town of Cicero Temporary Lakeshore Area Development Moratorium,” in relation to the creation of a temporary moratorium on development in an area on and near a portion of the south shore of Oneida Lake in the Town of Cicero.

IT IS HEREBY ORDAINED AND ENACTED by the Town Board of the Town of Cicero, Onondaga County, New York, as follows: That Town of Cicero Local Law Number 2 of the year 2024 entitled “Temporary Moratorium on Development in the Lakeshore Area” is hereby adopted to enact a six (6) month moratorium prohibiting the consideration and/or approval of site plans, zone changes, building permits, special use permits, and subdivisions within a defined area as set forth herein.

This temporary moratorium may be further extended or terminated by the Town Board. This law applies to pending applications, is subject to specified exemptions, and has a provision for relief from strict application.

Said Local Law reads as follows:

SECTION 1. Statutory Authority

This Local Law is adopted pursuant to §10 of the Municipal Home Rule Law.

SECTION 2. Purpose and Legislative Intent

The purpose of this Local Law is to provide a temporary six (6) month moratorium on consideration and/or approval of site plans, zone changes, building permits, special use permits, and subdivisions within a defined area as set forth herein to give the Town an adequate opportunity to further develop its comprehensive plan, study the matter of Town policy and codes, consider the establishment of a new overlay district in said specified area, and to consider the possible application of the Town’s recently enacted design standards, modified versions thereof, and/or new designed standards to part or all of the subject area.

SECTION 3. Findings

The Town Board hereby finds the following:

1. The area on and near the south shore of Oneida Lake is one of Cicero’s most distinctive features, is a valuable resource for recreational, residential, and other purposes, and distinguishes Cicero from its peer towns in Onondaga County;
2. The anticipated development of the Micron facility near the Clay/Cicero border is expected to bring an influx of new residents, ancillary businesses, and growth to Central New York in general and to northern Onondaga County in particular;

3. In anticipation of said growth, the Town Board has commissioned a consultant to assist in preparing a new Comprehensive Plan for the Town and has already enacted a set of design standards which apply as an overlay to designated portions of the Town, but not to the area along and near Lakeshore Road on the south shore of Oneida Lake;
4. There is substantial undeveloped and underdeveloped land south of Lakeshore Road which will likely be the target of development in the near future as a result of said anticipated growth, and moreover there are parcels in the same area which will likely be targeted for redevelopment;
5. A significant portion of the developed land south of Oneida Lake is of a residential nature;
6. The Onondaga County Department of Planning has recommended that the Town consider creating a "Floating Overlay District" which would potentially cover part of the area south of Oneida Lake but would also be applicable in other parts of the Town via a Special Use Permit;
7. In order to protect the quality of life of residents of the area south of Oneida Lake by ensuring that future development in the area in which they live is high-quality, well-planned, and well-coordinated, and in order to ensure that the developable land in the area south of Oneida Lake is put to the best and highest use, a temporary moratorium on development in the area specified herein should be enacted, to give the Town time to further develop its comprehensive plan, to determine whether the new Town design standards should be applied to those parts of the subject area to which they do not already apply or, in the alternative, to determine whether new or modified design standards should be applied in said parts, and to determine if an overlay district should be created and applied to all or part of that area, and if so, what rules and regulations should be enacted in accordance therewith; and
8. Due to the application of the new design standard overlay to other areas of the Town not included in this moratorium, which are more developed than the area subject hereto, and the process of which involved an examination of existing and appropriate zoning rules and regulations therein, the application of this moratorium to the entire town or to a broader geographical area within the Town would be unduly burdensome.

SECTION 4. Time Period and Prohibition

As of the effective date of this Local Law, and except as otherwise provided herein, there shall be a six (6) month moratorium on the consideration and/or approval of site plans, zone changes, building permits, special use permits, and subdivisions in the subject area.

SECTION 5. Subject Area

The area subject to this moratorium is as follows:

1. All parcels wholly or partially located within a quadrangle with the following borders:
 - a. On the North, the Oneida Lake shoreline;
 - b. On the East, the Onondaga County/Madison County line;
 - c. On the South, the centerline of New York State Route 31;
 - d. On the West, the centerline of South Bay Road and continuing from the intersection of the centerlines of South Bay Road and Lakeshore Road due north to the Oneida Lake shoreline; and
2. All parcels contiguous to the south side of New York State Route 31 between the intersection of New York State Route 31 and Eastwood Road and the intersection of New York State Route 31 and Ferguson Road; and
3. The area west of South Bay Road, bounded by Whiting and Lakeshore Roads.

SECTION 6. Exemptions

Notwithstanding the foregoing, the following are exempt from this moratorium:

1. Parcels of a residential zoning classification or upon which residential use is permitted that are one (1) acre in size or smaller; and
2. Site plans, building permits, and special use permits that are ancillary to and/or do not alter an existing permitted use. For the purpose of this provision, an "existing permitted use" is a use that is permitted under the relevant zoning regulations or for which a variance was duly granted prior to the effective date hereof, and in which the owner or person with legal right to possession of the parcel is actually engaged as of the effective date hereof.

SECTION 7. Relief from Moratorium

The Town Board may waive strict compliance with the terms of this moratorium upon the application of an owner of property upon which a proposed site plan, zone change, building permit, special use permit, or subdivision would have been permitted in the absence of this moratorium, provided that the applicant can demonstrate, and the Town Board finds, based upon clear and convincing evidence, that the application of the moratorium to the applicant's property will cause the applicant substantial economic hardship, the proposed action will not harm or endanger the public health, safety, and welfare, and the proposed action is consistent with and compatible with the surrounding land uses and the Town's comprehensive plan. For the purposes

of this provision, the loss of opportunity for profit does not constitute substantial economic hardship.

Application for such relief shall be filed with the Town Code Enforcement Officer, together with a filing fee of \$250.00. Such application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought, and the reasons for which the relief should be granted. Any costs, including expert consulting fees or attorneys' fees which are incurred by the Town shall be reimbursed to the Town by the applicant. The Town Board shall apply use variance criteria as set forth in Town Law §267-b(2) in reviewing any application for relief.

The Town Board shall conduct a public hearing on any request for relief within 45 days of receipt of an application and filing fee by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within 30 days from the date of such public hearing.

In enacting this provision, it is the intent of the Town of Cicero to use its supersession power pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) to supersede the grant of use variance power to the Zoning Board of Appeals set forth in Town Law §267-b(2). Said supersession power is being used because this moratorium implicates broad policy concerns concerning the future growth and development of the subject area and of the town as a whole, because this moratorium is being enacted to consider passing legislation specifically applicable to the subject area, and because this moratorium and said legislation have implications for the comprehensive plan commissioned by the Town Board.

SECTION 8. Enforcement

This Local Law shall be enforced by the Code Enforcement Office of the Town of Cicero or such other zoning enforcement officials as designated by the Town Board. It shall be the duty of the enforcement officials to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

SECTION 9. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and as if such person or circumstance, to which the Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 10. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State pursuant to §27 of the Municipal Home Rule Law.

SECTION 11. Termination Date

This Local Law shall become null and void six (6) months after filing, unless extended or terminated by the Town Board.