

BE IT ORDAINED AND ENACTED AUGUST 14, 2024 BY THE TOWN OF CICERO, COUNTY OF ONONDAGA, STATE OF NEW YORK, AS FOLLOWS:

LOCAL LAW FILING – Town of Cicero

**Local Law No. 8 of the year 2024**

A local law adopting a resolution that the Town Board approves a six-month extension of the development moratorium for the lake shore area passed on February 14, 2024 (see complete Local Law below).

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

**I. Local Law 8 of 2024**

**Decision:**

Move for the adoption of a resolution to approve a six-month extension of the development moratorium for the lake shore area passed on February 14, 2024, to be known as Local Law #8 of 2024. The Cicero Town Board passed the resolution on August 14, 2024.

**II. Effective Date**

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

Ad Number:0010885919-01

Date	Position
07/02/2024	Other Leases NY

PLEASE TAKE NOTICE that the Town of Cicero Town Board will hold a Public Hearing on Wednesday, July 10, 2024, at 6:30 p.m. to be held at 8236 Brewerton Rd., to consider a six month extension of the development moratorium for the Lakeshore area that was passed on February 14, 2024. If you would like to view the meeting virtually from your computer, tablet, or smartphone go to: <http://www.youtube.com/c/TownofCiceroNY13039> By the Cicero Town Board

LOCAL LAW NUMBER 8 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 \_\_\_ of the year 2024 entitled "Extended 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 extend the temporary six (6) month moratorium passed on February 14, 2024, which related to 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 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;
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; and
9. On February 14, 2024, the Town Board passed a six (6) month moratorium with identical terms and conditions as this extension. The Comprehensive Plan and Overlay District are still in process and accordingly an extension of the moratorium passed in February is appropriate.

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.

Tracy Cosilmon  
Cicero Town Clerk