S T A T E O F N E W Y O R K

294

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general city law, the town law and the village law, in relation to establishing a temporary moratorium in matters of planning and zoning

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The legislature hereby finds that many towns, villages and cities have enacted temporary moratoriums which prohibit landowners from making applications for otherwise permitted construction or land development, obtaining review of such applications or the issuance of some or all of the following: building permits, site plan approvals, special use permits, subdivision plats or zoning changes, and determinations by zoning boards of appeal. The legislature further finds that while the courts have sustained certain of these actions, there has been no explicit statutory authorization for these municipal moratoriums, which have been intended to benefit the community at large while impacting the property owners whose property interests are directly affected. The legislature declares that the absence of a statute authorizing and regulating the enactment of such moratoriums has created confusion as to their legality and uncertainty as to the acceptable scope, duration, adoption, appeal procedures and applicability of such moratoriums. It is the legislature's intent to adopt a comprehensive detailed statutory scheme to authorize municipalities to enact local laws or ordinances that provide for municipal enactment of moratoriums of limited duration on the issuance of some or all of the following: building permits, site plan approvals, special use permits and subdivision plats, and to establish the purposes for which such moratoriums may be enacted, and to establish appropriate limitations on their scope and duration.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2. The general city law is amended by adding a new section 82 to read as follows:

S 82. TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY OF ANY CITY IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE, A TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOPMENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSUANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE CITY OR ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR OR REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF APPEALS.

2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

(A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;

(B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;

(C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR

(D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

(A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A FINDING THAT THE GOVERNING BODY OF THE CITY WILL COMPLETE NECESSARY PLANNING STUDIES BY CITY EMPLOYEES OR BY CONTRACT WITH OUTSIDE CONSULTANTS BEFORE THE EXPIRATION OF THE MORATORIUM SHALL ALSO BE ENACTED;

(B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDITIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLANNING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

(C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

(D) STATE THE DURATION OF THE MORATORIUM.

4. EFFECT. (A) NO BOARD OR AGENCY OF THE CITY SHALL GRANT APPROVAL FOR AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

(B) NO MORATORIUM FOR PLANNING PURPOSES SHALL APPLY TO LOTS WHICH HAVE RECEIVED PRELIMINARY PLAT APPROVAL OR TO CONDITIONAL FINAL APPROVAL OF A SPECIAL USE PERMIT OR TO CONDITIONAL FINAL APPROVAL OF A SITE PLAN OR THE CONDITIONAL FINAL APPROVAL OF ANY OTHER LAND USE APPROVAL SUBJECT TO THE MORATORIUM, HOWEVER NOTHING SHALL PROHIBIT A MUNICIPALITY FROM PERMITTING OTHER SUCH EXCEPTIONS.

(C) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACTMENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS, ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO

COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLANNING STUDY SHALL NOT EXCEED ONE HUNDRED EIGHTY DAYS OR FOR ONE YEAR IF ENACTED TO COMPLETE A STUDY FOR NATURAL RESOURCE PROTECTION OR COMPREHENSIVE PLAN OR AMENDMENT THEREOF. IN THE EVENT AN EXTENSION OF SUCH MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS SECTION. SUCH EXTENSION SHALL CONTAIN THOSE LEGISLATIVE FINDINGS THAT REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMERGENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL APPROVE, APPROVE WITH MODIFICATIONS OR DENY SUCH APPEAL WITHIN A PERIOD OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

(B) THE LEGISLATIVE BODY OF ANY CITY MAY PROVIDE THAT BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE GRANTED BY THE APPROPRIATE CITY AGENCY OR ONLY BY SUCH LEGISLATIVE BODY PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE REQUIRED HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT THE APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF FACT THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES OF THE MORATORIUM.

S 3. The town law is amended by adding a new section 261-d to read as follows:

S 261-D. TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY OF ANY TOWN IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE, A TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOPMENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSUANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE TOWN OR ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR OR REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF APPEALS.

2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

(A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;

(B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;

(C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR

(D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

(A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A FINDING THAT THE GOVERNING BODY OF THE TOWN WILL COMPLETE NECESSARY PLANNING STUDIES BY TOWN EMPLOYEES OR BY CONTRACT WITH OUTSIDE CONSULTANTS BEFORE THE EXPIRATION OF THE MORATORIUM;

(B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDITIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLANNING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

(C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

(D) STATE THE DURATION OF THE MORATORIUM.

4. EFFECT. (A) NO BOARD OR AGENCY OF THE TOWN SHALL GRANT APPROVAL FOR AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

(B) NO MORATORIUM FOR PLANNING PURPOSES SHALL APPLY TO LOTS WHICH HAVE RECEIVED PRELIMINARY PLAT APPROVAL OR TO CONDITIONAL FINAL APPROVAL OF A SPECIAL USE PERMIT OR TO CONDITIONAL FINAL APPROVAL OF A SITE PLAN OR THE CONDITIONAL FINAL APPROVAL OF ANY OTHER LAND USE APPROVAL SUBJECT TO THE MORATORIUM, HOWEVER NOTHING SHALL PROHIBIT A MUNICIPALITY FROM PERMITTING OTHER SUCH EXCEPTIONS.

(C) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACTMENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS, ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLANNING STUDY SHALL NOT EXCEED ONE HUNDRED EIGHTY DAYS OR FOR ONE YEAR IF ENACTED TO COMPLETE A STUDY FOR NATURAL RESOURCE PROTECTION OR COMPREHENSIVE PLAN OR AMENDMENT THEREOF. IN THE EVENT AN EXTENSION OF SUCH MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS SECTION. SUCH EXTENSION SHALL CONTAIN THOSE LEGISLATIVE FINDINGS THAT REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMERGENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL APPROVE, APPROVE WITH MODIFICATIONS OR DENY SUCH APPEAL WITHIN A PERIOD OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

(B) THE LEGISLATIVE BODY OF ANY TOWN MAY PROVIDE THAT BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE GRANTED BY THE APPROPRIATE TOWN AGENCY OR ONLY BY SUCH LEGISLATIVE BODY PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE REQUIRED HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT THE APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF FACT THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES OF THE MORATORIUM.

S 4. The village law is amended by adding a new section 7-705 to read as follows:

S 7-705 TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY OF ANY VILLAGE IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE, A TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOPMENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSUANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE VILLAGE OR ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR OR REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF APPEALS.

2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

(A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;

(B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;

(C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR

(D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

(A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A FINDING THAT THE GOVERNING BODY OF THE VILLAGE WILL COMPLETE NECESSARY PLANNING STUDIES BY VILLAGE EMPLOYEES OR BY CONTRACT WITH OUTSIDE CONSULTANTS BEFORE THE EXPIRATION OF THE MORATORIUM SHALL ALSO BE ENACTED;

(B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDITIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLANNING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

(C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

(D) STATE THE DURATION OF THE MORATORIUM.

4. EFFECT. (A) NO BOARD OR AGENCY OF THE VILLAGE SHALL GRANT APPROVAL FOR AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

(B) NO MORATORIUM FOR PLANNING PURPOSES SHALL APPLY TO LOTS WHICH HAVE RECEIVED PRELIMINARY PLAT APPROVAL OR TO CONDITIONAL FINAL APPROVAL OF A SPECIAL USE PERMIT OR TO CONDITIONAL FINAL APPROVAL OF A SITE PLAN OR THE CONDITIONAL FINAL APPROVAL OF ANY OTHER LAND USE APPROVAL SUBJECT TO THE MORATORIUM, HOWEVER NOTHING SHALL PROHIBIT A MUNICIPALITY FROM PERMITTING OTHER SUCH EXCEPTIONS.

(C) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACTMENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS, ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO

COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLANNING STUDY SHALL NOT EXCEED ONE HUNDRED EIGHTY DAYS OR FOR ONE YEAR IF ENACTED TO COMPLETE A STUDY FOR NATURAL RESOURCE PROTECTION OR COMPREHENSIVE PLAN OR AMENDMENT THEREOF. IN THE EVENT AN EXTENSION OF SUCH MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS SECTION. SUCH EXTENSION SHALL CONTAIN THOSE LEGISLATIVE FINDINGS THAT REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMERGENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL APPROVE, APPROVE WITH MODIFICATION OR DENY SUCH APPEAL WITHIN A PERIOD OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

(B) THE LEGISLATIVE BODY OF ANY VILLAGE MAY PROVIDE THAT BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE GRANTED BY THE APPROPRIATE VILLAGE AGENCY OR ONLY BY SUCH LEGISLATIVE BODY PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE REQUIRED HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT THE APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF FACT THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES OF THE MORATORIUM.

S 5. This act shall take effect immediately.