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Fulton, New York 13069
(315) 598-6500, Fax 592-9270, TDD Relay 711

August 5, 2022

TO: GRANBY TOWN BOARD

FROM: ZONING CODE REVIEW COMMITTEE

Re: Proposed Regulations: Mining Overlay Zoning District; dated 8/03/2022

At a meeting of the Zoning Code Review Committee held on August 3, 2022, a motion was moved by Member Lynn Lyons to ***recommend the Mining Overlay Zoning District legislation to the Granby Town Board for their review and consideration as an amendment to the Zoning Ordinance.*** The motion was seconded by Member Lisa Somers, all were in favor without further discussion and the motion carried.

The proposed regulations modernize an antiquated and ineffectual section of the current Zoning Ordinance in an effort to provide worthwhile protection for the Town residents while allowing both small- and large-scale extractive mining activity to occur in the Town.

Several months of research, debate and editing by the Committee has resulted in legislation that addresses the legitimate concerns of the public while allowing an activity that is crucial to the economy both locally and regionally. The protection of our natural resources is an ideal supported within our Town's Comprehensive Plan, as is the opportunity to pursue commercial endeavors. This legislation strives to provide responsible business practices that reduces the potential for negative impacts while simultaneously safeguarding the public health and well-being of our residents.

Thank you for your time.

Sincerely,

Lisa Somers

Zoning Code Review Committee Clerk

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A. Mining Overlay Zone District (MOZD) - Statement of Intent.

This overlay district is intended to allow for the mining of unconsolidated sand and gravel resources and for development and use of reclaimed mined lands following conclusion of mining activity. The intent of this mining overlay district is to ensure the optimal location of mining activities and for the protection of neighboring lands. This overlay district shall be applied where the Town finds that the project location, scale, and design will further Town planning goals and to be appropriate with the underlying zone districts, existing or planned land use patterns, the environmental constraints and the existing and/or planned availability of public water, sewer, drainage, and transportation facilities. This overlay district will expand and work with the allowable land uses of the affected underlying zone districts and be applicable to specific areas found by the Town to be suitable for mining.

B. Purpose

- (1) **Relationship to NYS DEC Mining permit** – The Mining Overlay Zone District, with the associated Site Plan-Special Permit Reviews and other Town permits establish the manner and location where mining activity can be suitably conducted within the Town. The requirements of the Mining Overlay Zone District also support, enforce, and coordinate with NYS DEC requirements governing the conduct of mining activity at such locations approved by Town.
- (2) **Relationship to underlying zone districts.** Large-scale mining is prohibited in all zone districts except for the Mining Overlay Zone District. The Mining Overlay Zone District provides for large-scale mining, as a land use activity defined in this code, and adds only large-scale mining with its related dimensional and procedural controls to the existing land use, dimensional, and procedural requirements of the underlying zone district.

C. Procedure to establish a Mining Overlay Zone District

- (1) **Town and NYS procedures.** A Mining Overlay Zone District is a modification of the Town Zoning Map that is approved by following NYS Town Law and the local town standards and procedures for amending the Town zoning code see §IX Amendments.
- (2) **Locational Findings Required – Mining Overlay Zone District.** In addition to the Zone Districts specified below the Town Board shall find that the location of each proposed mining site adequately addresses each of the following:
 - a) Applicability to underlying zone districts – The Mining Overlay Zone District may only be applied to lands within the A Zone Districts and is prohibited in all other Zone Districts.
 - b) Mining activity is on-going as of the date of enactment of this Section under the prior approval of the Town and/or NYS DEC.

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- c) Subsurface and/or geologic studies have been performed by qualified professionals documenting that there are mineral resources of sufficient volume to support a large-scale mining land use as contemplated by the applicant - property owner - /mine operator and have been submitted for Town review and approval.
- d) Local services and infrastructure including but not limited to roads, accesses, well-water systems and water supplies, aquifers, natural or man-made drainage systems and other services serving the site and in the vicinity of the site can accommodate and will not be adversely affected by the mining activities resulting from the proposed assignment of the Mining Overlay Zone District
- e) Environmental resources including but not limited to wetlands, flood hazards areas, aquifers, stream channels, important agricultural soils within the site and within the vicinity of the Mining Overlay Zone District will not be adversely affected by potential mining activity.
- f) Surrounding properties are characterized by land uses that are located at sufficient distance or on sufficiently sized lots so as not be adversely affected by potential mining activities.

D. Mining Overlay Zone District (MOZD) and mining site land area & setbacks

- (1) Minimum land area - No MOZD shall have a gross land area of less than 10 contiguous acres, exclusive of existing public rights-of-way, unless otherwise specified by the Town Board.
- (2) **Minimum setback requirements** – In addition to the minimum land area established for the Mining Overlay Zone District pursuant to D. (1) above, the following dimensions are required for each lot used for mining.

Road frontage	<u>Setbacks:</u>		
	Front	Rear	Side (each)
1000 ft.	500 ft.	500ft.	500 ft.

E. General regulations for the Mining Overlay Zone District

- (1) **Allowed land use** - This Mining Overlay Zone District only allows large-scale (see Definition Section - greater than 750 cubic yards extracted/year) mining to occur only within designated Overlay District sites.
- (2) **Pre-existing large-scale mines** – existing large-scale mines outside of a designated MOZD and operating under a valid DEC permit as of the adopted date of this legislation may continue operate as a non-conforming use. Any other large-scale mine without a valid DEC permit does not have nonconforming use status and is prohibited.

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F. Mining Overlay Zone District procedures and requirements.

Within each MOZD the following procedures shall apply to the starting, monitoring, and changing of any approved mining activities.

- (1) **Special Permit and Site Plan Review.** All large-scale mines require a Special Permit and Site Plan Review from the Town Planning Board. In addition to the requirements of the existing Town Zoning Code §____; the following additional items shall be included with each Special Permit/Site Plan application for proposed mining activity.
 - a) **Surrounding property information** — Existing and proposed site plan documents — shall also include information about the adjacent surrounding properties including sites directly across any rights-of-way. Such information shall include existing topography (based on USGS contours), approximate location of existing structures and land uses and publicly available information on utilities.
 - b) **Mining activity information** — narrative and graphic information shall be provided to fully describe the mining activity and how it will interact with the neighboring properties, the surrounding public infrastructure and known environmental resources. This shall include information about hours of operation, nature, and volume of traffic to and from the mining site, and measures to minimize adverse impacts beyond the mining site.
 - c) **Reclamation plan** — site plan and narrative description of when and how the mining site will be protected, restored, and ultimately returned to a condition that supports land use(s) and structure(s) conforming to the underlying zone district.
 - d) **Conditions of Approval.** NYS DEC mining permit shall be adopted as a condition of approval of any Town Special Permit/Site Plan Review. Any conditions of the NYS DEC permit shall be adopted and enforceable by the Town as conditions of Town approval.
- (2) **NYS DEC mining permit** — A NYS DEC mining permit, either pending or completed, is required as part of the Town Special Permit/Site Plan Review. Any application for Town Special Permit/Site Plan Review shall include a written statement on the status of any NYS DEC mining permit application. This shall also include a full copy of all DEC permit application materials or full copy of any DEC permit approval documents.
- (3) **Town or other permits** — Any application for Town Special Permit/Site Plan Review shall include a copy of the applications or a written statement on the status of any town, county or state building, highway or similar permits required for this activity.

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- (4) **Exemptions** - Notwithstanding the requirements of this Section F, any active and DEC permitted large-scale mine shall be considered conforming to the requirements of this Section F and does not require a Special Permit or Site Plan Review; if (1) it is existing as of the date of the enactment of this legislation, and (2) which is located on premises designated by the Town Board into the MOZD within eighteen (18) months of adoption of the MOZD. Except, however, any subsequent change in structures or facilities to these large-scale mines after placement of the premises into the MOZD shall be subject to Special Permit and Site Plan requirements as set forth herein.

G. Abandonment and/or Termination of Mining Approvals - Overlay Zone.

- (1) **Abandonment or Incomplete implementation & Revocation of approvals** - If the Town finds that the owner/operator has failed to obtain necessary state, county, or town permits, or has ceased mining operations or mining activity has otherwise been abandoned for a at least a period of two (2) consecutive years from the date of Special Permit/Site Plan Review approval or three (3) consecutive years from the date of applying the Mining Overlay Zone District to the site, the Town Board may instruct the Planning Board to conduct a review of the Special Permit/Site Plan Review approvals enacted in accordance with these provisions. The Planning Board shall vote to maintain, modify, or revoke any Special Permit or Site Plan Review if it finds the mining operation has been abandoned or failed to implement or comply with the provisions of this code and shall subsequently order that all mining operations be brought into compliance or cease on the site. Following a revocation by the Planning Board action the Town Board may act to amend Zoning Map pursuant to Section IX of this code and vote to rescind the designation of the Mining Overlay Zone District on the site.
- (2) **Reclamation Completed** - If the Code Enforcement Officer and Planning Board find following a thorough review that site reclamation has been completed in accordance with the approved reclamation plan the Town Board may pursuant to NYS and Town standards and procedures for amending the Town zoning code terminate the Mining Overlay Zone District designation. The land within the Overlay Zone shall return fully and solely to its underlying zoning district designation as shown on the Town Zoning Map.

H. Nonconforming status

Any Large-scale or Small-scale mine which possesses a current DEC or current Town Zoning approval, and which exists as of the date of adoption of this section and does not conform to this section with respect to zone district, location or any other standards shall be considered a pre-existing nonconforming use subject to Section VI of this chapter.

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SECTION II: ESTABLISHMENT OF DISTRICTS – (see Zoning Code pages 6 & 7)

A. Names of Zoning Districts

1. While recognizing the importance of agriculture to our community and encouraging the continuation of agricultural land use, in order to reflect our Town's changing scenery, set guidelines for our residential growth, and fulfill the purposes of this ordinance, the Town of Granby established and is hereby divided into the following four (4) districts for zoning purposes:

A Agricultural:

This district encourages all agricultural uses and allows all single and 2-family dwellings in compliance with Section III, Subsection A. Manufactured homes must comply with Section V, Subsection G. This district may also be known as the "A" Zone as designated in the official zoning map and referred to within portions of this chapter a "A".

A-R Agricultural / Residential:

This district recognizes the transitional area between our Agricultural and Residential districts as affected by the spread of public utilities and/or potential waterfront growth. It allows for continued agricultural use and the construction or installation of single or 2-family dwellings with a minimum width of 24' for all residential structures of less than two stories, other than replacement homes in compliance with Section V, Subsection G, Paragraph 3a. All dwellings must comply with Section III, Subsection A. Manufactured homes must comply with Section V, Subsection G.

R-1 Residential:

This district allows for the construction of new single, 2-family, or multi-family dwellings with a minimum width of 24' for all residential structures of less than two stories. All dwellings must comply with Section III, Subsection A. Manufactured homes, other than replacement homes in compliance with Section V, Subsection G, Paragraph 3b, are not allowed in this district.

CIT Commercial/Industrial/Technological:

These districts allow for businesses utilizing commercial sales, industrial manufacturing, and/or technology services for profit as well as other non-residential uses in compliance with Section III, Subsection A.

All structures within any district must conform to NYS Uniform Building Codes and meet all specified requirements as listed within this Ordinance.

2. Overlay Districts - The Town recognizes that there are certain circumstances that require supplemental and specialized zoning strategies. An overlay district is a targeted zoning strategy which modifies and/or adds specialized land use controls, dimensional standards, and/or procedural requirements to specific land locations. The underlying zone district requirements remain intact except to the extent when modified by the overlay zone district. The procedure to create or amend an overlay district and to apply an overlay

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district to any location on the zoning map constitutes an amendment of the zoning code - per Section IX Amendments.

MOZD Mining Overlay Zone District

The Mining overlay district is applied to specific sites that have been found to possess mineral resources with potential for viable commercial extraction. The Mining Overlay District adds Large-scale mining as an allowable land use to the designated site and is accompanied by related performance and procedural standards to the underlying conventional zone district.

B. Zoning Map

The location and boundaries of said zoning districts are shown on the map designated "Zoning Map," certified as adopted by the Town Clerk. Said map, together with everything shown thereon and all amendments thereto, is hereby adopted and is declared to be an appurtenant part of this ordinance.

C. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way line of such street, highway, public utility or watercourse is moved a maximum of 50'.
2. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
3. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
4. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30' into the more restricted portion.
5. In all other cases, where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing therein, but in no instance will a district depth be less than the specified minimum lot depth shown for each district in the Density Control Schedule.

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A. SECTION III: USE REGULATIONS – (see Zoning Code pages 7, 8 &9) Permitted Uses

No building or premises shall be erected, altered, or used except for one or more of the uses designated for any district as follows:

Symbols:

- P** designates a use permitted by right
- P*** designates a permitted use contingent upon securing a Temporary Vending Permit from the Code Enforcement Officer.
- U** designates a use contingent upon securing a Special Use Permit from the Planning Board
- S** designates a use requiring Site Plan approval from the Planning Board
- X** designates a use not permitted

USE CHART

Residential Uses: *In compliance with Section II, Subsection A*

	<u>A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Single-family Dwelling (detached)	P	P	P	X
Single-family Dwelling (semi-detached)	S	S	S	X
2-family Dwelling	S	S	S	X
Multi-family Dwelling	X	X	S	X
Boarding House	U	U	U	X
Manufactured home	P	P	X	X
Farm Labor Camp (in compliance with Section V, Subsection N)	U	U	X	X

General Uses:

	<u>A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Agricultural: Not including the keeping of fowl or farm animals	P	P	P	X
Agricultural: Including the keeping of fowl or farm animals	P	U	X	X
Roadside Stand	P	P	P	P
Vendor Stand	P*	P*	P*	P*
Vacation resort, camp, cabin, or cottage development	US	US	X	X
Church or other place of worship	S	US	US	X
Private or parochial school	S	US	US	X
Day nursery	S	US	US	US
Hospital	US	US	US	X
Nursing or convalescent home	US	US	US	X
Sanitarium	US	US	US	X
Cultural facilities (library, art gallery, museum, etc.)	US	US	US	US
Institution or philanthropic uses	US	US	US	US
Cemetery (in compliance with Section VI)	S	S	X	X
Crematory (in compliance with Section VI)	S	S	X	X
Golf course or country club	S	S	S	X
Public utility or transportation use	S	S	S	X
Non-profit club or recreation use	S	S	S	X

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Accessory Uses:	<u>A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Home occupation (in compliance with Section V, Subsection A1)	P	P	P	X
Accessory use customarily incidental to any of the uses mentioned herein and not on the same lot	U	U	U	U
Stables for horses (for non-commercial purposes)	P	U	X	X
Business Uses:	<u>A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Riding academy	US	US	X	X
Retail business or service not otherwise specifically mentioned herein	US	US	X	S
Self-service laundry	US	US	X	US
Restaurant	US	US	X	S
Bar or nightclub	US	US	X	S
Dance hall or skating rink	US	US	X	US
Bowling alley	US	US	X	US
Commercial parking lot (in compliance with Section V, Subsection A7)	US	US	X	US
Gasoline filling station (in compliance with Section V, Subsection D)	US	US	X	US
Automobile storage or repair	US	US	X	US
Car washing station	US	US	X	US
Equipment rental or sales yard	US	US	X	US
Laundry or dry-cleaning plant	US	US	X	US
Veterinarian office, animal hospital, or kennels	US	US	X	US
Motel	US	US	X	S
Drive-in movie	US	US	X	US
Manufactured Housing Communities (in compliance with Section V, Subsection H)	US	US	X	X
Airport	US	US	X	S
Light Industrial Uses:	<u>-A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Research laboratories	US	X	X	S
Manufacture, fabrications, assembly, warehousing, and other handling of material (in compliance with Section V, Subsections A & C and excluding prohibited uses listed in Section III, Subsection B)	US	X	X	S
Mining, Small-scale	U	X	X	X
Mining, Large-scale	ONLY within Mining Overlay Zone District			

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SECTION V: SUPPLEMENTARY REGULATIONS (see Zoning Code page 13)

A. General Provisions

1. **Customary Home Occupations:** In any district, nothing in this Ordinance shall prevent an individual from conducting his business, trade, or profession in his home or residence, provided that no more than two person be employed on site in addition to the owner or tenant of the property, that no other profession shall be permitted to share, let, or sublet space for professional use, that no more than 20% of the residence's living space shall be utilized for the business, that there be no external evidence of such use except for one sign not exceeding two square feet in area, and that there shall not be any visible external storage of materials or equipment.
2. **Site modifications, incidental:** Any excavation, filling or grading, incidental to the construction or implementation of land uses or structures allowed within the respective zone district. Any proposed site modifications adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Site modifications shall not create any noxious or injurious substance or condition.

In the event that construction of a building or structure is stopped prior to completion, and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials and any excavation with a depth greater than 2' below existing grade shall immediately be filled in and the topsoil replaced or all such excavations shall be entirely surrounded by a substantial fence at least 6' high that will effectively block access to the area in which the excavation is located and such fence shall be properly maintained.

For site modifications or excavation related: to Small-scale mining, see Section V, Subsection F; for Large-scale mining see MOZD Section_____

F. Small-scale mining (see Zoning Code page 24)

Small-scale mining may include excavation, filling or grading activity for the purpose extractive mining of soil, gravel, sand, or other natural mineral for commercial purposes, such as gravel pits, quarrying. Any Small-scale mining shall be allowed only by Special Permit in the A District, subject to the following and the Special Permit provisions of this Zoning Code.

1. Before a Special Permit is issued, the applicant shall submit to the Planning Board, two (2) copies of a map at a scale of 1" equals no more than 100' showing all land within 200' thereof, with exact locations of all buildings, streets, utilities, drainage, or other easements, watercourses, lot lines, block and lot numbers and names of the land-owners. Such map shall also show the present topography at 2' contour intervals including any sensitive environmental resources (wetlands, floodplains, water supply sources – aquifers, water courses, historic structures, public or private infrastructure and

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any features as required by the Planning Board. The map shall be signed by a licensed engineer or land surveyor for certification of its accuracy.

2. The applicant shall also submit to the Planning Board two (2) copies of the proposed plan of excavation at the same scale as above showing the proposed finished elevation at 1' contour intervals and the proposed drainage plan.
3. During excavation or quarry operations, top and/or toe of slope shall not be closer than 40' to a property line.
4. The proposed finished grading plan shall show the land to be smooth-graded and topsoil respread to a minimum depth of 4"; slope shall not exceed normal angle of repose of the material removed.
5. The applicant shall be required to furnish a performance bond, in an amount determined by the Planning Board, to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released only upon certification by the Code Enforcement Officer and acceptance by the Planning Board that all requirements including the finished grading and drainage have been complied with.
6. No Special Permit for Small-scale mining shall be granted for a period of more than three (3) years, but such permit may be extended for an additional two (2) years upon follow-up review and approval by the Planning Board.
7. Upon approval, one (1) copy of the approved Small-scale mining plan shall be returned to the applicant by the Planning Board Secretary together with the Special Permit upon proof of the payment of a fee as set by current Fee Schedule adopted by the Granby Town Board in the to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil mining operations.

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SECTION XI: DEFINITIONS (see Zoning Code pages 42-51 – new terms to be added)

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

The words “shall” and “must” are always mandatory. The word “may” is permissive. The word “should” is a recommendation. “Building” or “structure” includes any part thereof. The word “lot” includes the word “plot” or “parcel.” The word “person” includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

Excavation: any activity which includes the disturbance of soil surface by grading, filling or site modifications in order to move or remove soil, rock, sand, gravel or other natural mineral deposits to another location.

Filling: any activity which deposits natural or artificial material in a manner that alters the surface or subsurface of the land or of a waterbody.

Grading: any temporary or permanent excavation or filling activity, any temporary or permanent alteration of land contours.

Site modifications, incidental: any excavation, filling or grading within a site to facilitate an allowed construction activity or an allowed land use activity.

Mining, Small-scale: any excavation less than 1,000 tons or 750 cubic yards removed from a site within a successive 12month period.

Mining, Large-scale: any excavation more than 1,000 tons or 750 cubic yards, whichever is less, of mineral(s) is (are) removed, or are proposed to be removed, during successive 12months.

Mineral: as specified in the regulations, means any natural formed, usually inorganic, solid material located on or below the surface of the earth, including but not limited to architectural stone, gemstones, limestone, granite, ore, bluestone, gravel, and sand. Peat and topsoil are also considered to be minerals.

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SECTION II: ESTABLISHMENT OF DISTRICTS – (see Zoning Code pages 6 & 7)

A. Names of Zoning Districts

1. While recognizing the importance of agriculture to our community and encouraging the continuation of agricultural land use, in order to reflect our Town's changing scenery, set guidelines for our residential growth, and fulfill the purposes of this ordinance, the Town of Granby established and is hereby divided into the following four (4) districts for zoning purposes:

AA-1 Agricultural:

This district encourages all agricultural uses and allows all single and 2-family dwellings in compliance with Section III, Subsection A. Manufactured homes must comply with Section V, Subsection G. This district may also be known as the "A" Zone as designated in the official zoning map and referred to within portions of this chapter as a "A".

A-R Agricultural / Residential:

This district recognizes the transitional area between our Agricultural and Residential districts as affected by the spread of public utilities and/or potential waterfront growth. It allows for continued agricultural use and the construction or installation of single or 2-family dwellings with a minimum width of 24' for all residential structures of less than two stories, other than replacement homes in compliance with Section V, Subsection G, Paragraph 3a. All dwellings must comply with Section III, Subsection A. Manufactured homes must comply with Section V, Subsection G.

R-1 Residential:

This district allows for the construction of new single, 2-family, or multi-family dwellings with a minimum width of 24' for all residential structures of less than two stories. All dwellings must comply with Section III, Subsection A. Manufactured homes, other than replacement homes in compliance with Section V, Subsection G, Paragraph 3b, are not allowed in this district.

CIT Commercial/Industrial/Technological:

These districts allow for businesses utilizing commercial sales, industrial manufacturing, and/or technology services for profit as well as other non-residential uses in compliance with Section III, Subsection A.

All structures within any district must conform to NYS Uniform Building Codes and meet all specified requirements as listed within this Ordinance.

2. Overlay Districts - The Town recognizes that there are certain circumstances that require supplemental and specialized zoning strategies. An overlay district is a targeted zoning strategy which modifies and/or adds specialized land use controls, dimensional standards, and/or procedural requirements to specific land locations. The underlying zone district requirements remain intact except to the extent when modified by the overlay zone district. The procedure to create or amend an overlay district and to apply an overlay

***NOTE:** Proposed revisions show only portions of existing Zoning Code to be modified. Text in black is unchanged. Text in red is to be deleted, text in blue underline is to be added.

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B. Zoning Map

The location and boundaries of said zoning districts are shown on the map designated "Zoning Map," certified as adopted by the Town Clerk. Said map, together with everything shown thereon and all amendments thereto, is hereby adopted and is declared to be an appurtenant part of this ordinance.

C. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way line of such street, highway, public utility or watercourse is moved a maximum of 50'.
2. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
3. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
4. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30' into the more restricted portion.
5. In all other cases, where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing therein, but in no instance will a district depth be less than the specified minimum lot depth shown for each district in the Density Control Schedule.

*NOTE: Proposed revisions show only portions of existing Zoning Code to be modified. Text in black is unchanged. Text in red is to be deleted, text in blue underline is to be added.

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SECTION III: USE REGULATIONS – (see Zoning Code pages 7, 8 & 9)

A. Permitted Uses

No building or premises shall be erected, altered, or used except for one or more of the uses designated for any district as follows:

Symbols:

- P** designates a use permitted by right
- P*** designates a permitted use contingent upon securing a Temporary Vending Permit from the Code Enforcement Officer.
- U** designates a use contingent upon securing a Special Use Permit from the Planning Board
- S** designates a use requiring Site Plan approval from the Planning Board
- X** designates a use not permitted

USE CHART

Residential Uses: *In compliance with Section II, Subsection A*

	<u>A-1A</u>	<u>A/R</u>	<u>R-1</u>	<u>CIT</u>
Single-family Dwelling (detached)	P	P	P	X
Single-family Dwelling (semi-detached)	S	S	S	X
2-family Dwelling	S	S	S	X
Multi-family Dwelling	X	X	S	X
Boarding House	U	U	U	X
Manufactured home	P	P	X	X
Farm Labor Camp (in compliance with Section V, Subsection N)	U	U	X	X

General Uses:

	<u>A-1A</u>	<u>A/R</u>	<u>R-1</u>	<u>CIT</u>
Agricultural: Not including the keeping of fowl or farm animals	P	P	P	X
Agricultural: Including the keeping of fowl or farm animals	P	U	X	X
Roadside Stand	P	P	P	P
Vendor Stand	P*	P*	P*	P*
Vacation resort, camp, cabin, or cottage development	US	US	X	X
Church or other place of worship	S	US	US	X
Private or parochial school	S	US	US	X
Day nursery	S	US	US	US
Hospital	US	US	US	X
Nursing or convalescent home	US	US	US	X
Sanitarium	US	US	US	X
Cultural facilities (library, art gallery, museum, etc.)	US	US	US	US
Institution or philanthropic uses	US	US	US	US
Cemetery (in compliance with Section VI)	S	S	X	X
Crematory (in compliance with Section VI)	S	S	X	X
Golf course or country club	S	S	S	X
Public utility or transportation use	S	S	S	X
Non-profit club or recreation use	S	S	S	X

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Accessory Uses:	<u>A-1A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Home occupation (in compliance with Section V, Subsection A1)	P	P	P	X
Accessory use customarily incidental to any of the uses mentioned herein and not on the same lot	U	U	U	U
Stables for horses (for non-commercial purposes)	P	U	X	X
Business Uses:	<u>A-1A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Riding academy	US	US	X	X
Retail business or service not otherwise specifically mentioned herein	US	US	X	S
Self-service laundry	US	US	X	US
Restaurant	US	US	X	S
Bar or nightclub	US	US	X	S
Dance hall or skating rink	US	US	X	US
Bowling alley	US	US	X	US
Commercial parking lot (in compliance with Section V, Subsection A7)	US	US	X	US
Gasoline filling station (in compliance with Section V, Subsection D)	US	US	X	US
Automobile storage or repair	US	US	X	US
Car washing station	US	US	X	US
Equipment rental or sales yard	US	US	X	US
Laundry or dry-cleaning plant	US	US	X	US
Veterinarian office, animal hospital, or kennels	US	US	X	US
Motel	US	US	X	S
Drive-in movie	US	US	X	US
Manufactured Housing Communities (in compliance with Section V, Subsection H)	US	US	X	X
Airport	US	US	X	S
Light Industrial Uses:	<u>A-1-A</u>	<u>A / R</u>	<u>R-1</u>	<u>CIT</u>
Research laboratories	US	X	X	S
Manufacture, fabrications, extraction, assembly, warehousing, and other handling of material (in compliance with Section V, Subsections A & C and excluding prohibited uses listed in Section III, Subsection B)	US	X	X	S
Extractive operations and soil mining (in compliance with Section V, Subsection F)	S	US	X	X
Mining, Small-scale	U	X	X	X
Mining, Large-scale	ONLY within Mining Overlay Zone District			

Commented [H&KB1]: Term not defined or otherwise used – deleted this term from text. Now regulated by mining (Large & Small-scale).

Commented [H&KB2]: This is the existing requirement for mining in the Town. Text is to be deleted replaced by regulations for mining (Large & Small-scale).

Uses not specified shall require Special Use Permit and Site Plan approval from the Planning Board.

Commented [H&KB3]: Text previously removed from zoning code.

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SECTION V: SUPPLEMENTARY REGULATIONS (see Zoning Code page 13)

A. General Provisions

1. **Customary Home Occupations:** In any district, nothing in this Ordinance shall prevent an individual from conducting his business, trade, or profession in his home or residence, provided that no more than two person be employed on site in addition to the owner or tenant of the property, that no other profession shall be permitted to share, let, or sublet space for professional use, that no more than 20% of the residence's living space shall be utilized for the business, that there be no external evidence of such use except for one sign not exceeding two square feet in area, and that there shall not be any visible external storage of materials or equipment.
2. **Site modifications, incidental:** ~~Any e~~Excavations, filling or grading, incidental to the construction or implementation of land uses or structures allowed within the respective zone district. ~~Any proposed excavation-site modifications adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavations-Site modifications shall not create any noxious or injurious substance or condition.~~

In the event that construction of a building or structure is stopped prior to completion, and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials and any excavation with a depth greater than 2' below existing grade shall immediately be filled in and the topsoil replaced or all such excavations shall be entirely surrounded by a substantial fence at least 6' high that will effectively block access to the area in which the excavation is located and such fence shall be properly maintained.

For ~~site modifications or excavation related:s for soil-~~ to Small-scale mining, see Section V, Subsection F; for Large-scale mining see MOZD Section _____.

F. Small-scale mining ~~Excavations for Soil Mining~~ (see Zoning Code page 24)

~~Small-scale mining may include e~~Excavation, filling or grading activity -for the purpose of soil extractive mining of soil, gravel, sand, or other natural mineral for commercial purposes, such as gravel pits, quarrying, -or-A any subsoil removal~~Small-scale mining shall be allowed only by Special Permit in the AA and I Districts, subject to Section V, Subsection A2 and the following and the Special Permit provisions of this Zoning Code.~~

1. Before a Special Permit is issued, the applicant shall submit to the Planning Board ~~and the Board of Appeals, two (2) copies of a map at a scale of 1" equals no more than 100'~~ showing all land within 200' thereof, with exact locations of all buildings, streets, utilities, drainage, or other easements, watercourses, lot lines, block and lot numbers and names of the land-owners. Such map shall also show the present topography at 2'

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Commented [H&KB4]: Deleted BZA - NOT CONSISTENT PROCEDURE.

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contour intervals including any sensitive environmental resources (wetlands, floodplains, water supply sources – aquifers, water courses, historic structures, public or private infrastructure and any features as required by the Planning Board. ~~The map shall be signed by a licensed engineer or land surveyor for certification of its accuracy.~~

2. The applicant shall also submit to the Planning Board ~~and the Zoning Board of Appeals~~ two (2) copies of the proposed plan of excavation at the same scale as above showing the proposed finished elevation at 1' contour intervals and the proposed drainage plan.
3. During excavation or quarry operations, top and/or toe of slope shall ~~be not be~~ closer than 40' to a property line.
4. The proposed finished grading plan shall show the land to be smooth-graded and top-soil respread to a minimum depth of 4"; slope shall not exceed normal angle of repose of the material removed.
5. The applicant shall be required to furnish a performance bond, in an amount determined by the ~~Zoning Board of Appeals~~Planning Board, to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released only upon certification by the Code Enforcement Officer ~~and acceptance by the Planning Board that~~ all requirements including the finished grading and drainage have been complied with.
6. No Special Permit for ~~excavation operations or soil~~Small-scale mining shall be granted for a period of more than three (3) years, but such permit may be extended for an additional two (2) years upon follow-up review and approval by the Board of Appeals~~Planning Board~~.
7. Upon approval, one (1) copy of the approved ~~excavation~~Small-scale mining plan shall be returned to the applicant by the ~~Zoning Board of Appeals~~Planning Board Secretary together with the Special Permit upon proof of the payment of a fee as set by current Fee Schedule adopted by the Granby Town Board in the current Fee Schedule to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil mining operations.

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SECTION XI: DEFINITIONS (see Zoning Code pages 42-51 – new terms to be added)

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

The words “shall” and “must” are always mandatory. The word “may” is permissive. The word “should” is a recommendation. “Building” or “structure” includes any part thereof. The word “lot” includes the word “plot” or “parcel.” The word “person” includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

Excavation: any activity which includes the disturbance of soil surface by grading, filling or site modifications in order to move or remove soil, rock, sand, gravel or other natural mineral deposits to another location.

Filling: any activity which deposits natural or artificial material in a manner that alters the surface or subsurface of the land or of a waterbody.

Grading: any temporary or permanent excavation or filling activity, any temporary or permanent alteration of land contours.

Site modifications, incidental: any excavation, filling or grading within a site to facilitate an allowed construction activity or an allowed land use activity.

Mining, Small-scale: any excavation less than 1,000 tons or 750 cubic yards removed from a site within a successive 12month period.

Mining, Large-scale: any excavation more than 1,000 tons or 750 cubic yards, whichever is less, of mineral(s) is (are) removed, or are proposed to be removed, during successive 12months.

Mineral: as specified in the regulations, means any natural formed, usually inorganic, solid material located on or below the surface of the earth, including but not limited to architectural stone, gemstones, limestone, granite, ore, bluestone, gravel, and sand. Peat and topsoil are also considered to be minerals.

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