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December 4, 2019

TO: TOWN SUPERVISOR John Snow Jr; And TOWN COUNCILORS: Linda Parkhurst, Sandy Farrands, Cheryl Holmes and Brett Counterman; And Town Clerk Janet Ingersoll

FROM: ZONING CODE REVIEW COMMITTEE

Re: Proposed Amendment: TOG Zoning Ordinance Section III Use Regulations; dated November 20, 2019

In accordance to Zoning Ordinance Section IX.(A) Procedures, the Town Board may amend the Town regulations, from time to time, upon a recommendation or petition that is provided in written form to the Town Board; the official applicant of zoning amendments which requires the adoption of local law. The Zoning Code Review Committee, whose formation was initiated by the adoption of the Local Law Moratorium by the Town Board in July of 2019, requests such consideration by the Town Board regarding the attached documents.

The Committee further requests placement on the Agenda of the next Town Board Meeting scheduled for December 11, 2019 for purposes of a short presentation of the proposed amendment by Members of the Zoning Code Review Committee.

Thank you for your time.

Sincerely,

Lisa Somers

Zoning Code Review Committee Clerk

Enc., Proposed Amendment: TOG Zoning Ordinance Section III Use Regulations;
dated November 20, 2019.

Sample Page Granby Zoning Code; dated November 6, 2019.

Town of Granby
ZONING CODE REVIEW COMMITTEE
PROPOSED AMENDMENT:
Town of Granby Zoning Ordinance Section III Use Regulations

Date: November 20, 2019

Page: 1

The following is a recommendation from the Town of Granby Zoning Code Review Committee to the Town of Granby Planning Board and Town Board to modify the Granby Zoning Ordinance Section III A.

Introduction

The Granby Zoning Ordinance, Section III Use Regulations - specifies the uses that are explicitly permitted or prohibited within the Town. This Section III has subsections A and B. Subsection A includes a Use Chart depicting the zone districts and local review procedures needed to establish specific uses.

Definition of the problem

At the end of the Use Chart in Section III A there is an unlabeled line of text that reads as follows:

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

This text presents an open-ended allowance for uses to be considered for approval that were not listed or anticipated in the Use Chart when it was adopted into the Zoning Ordinance by the Town Board.

The effect of this line of text is that it has, and will potentially continue to give the authority, and even mandate, to the Planning Board to approve uses that are unanticipated and/or unspecified. This gives unintendedly broad and excessive authority to the Planning Board to unilaterally amend the Zoning Ordinance without Town Board review or approval. The Ordinance relies upon the Special Permit process to adequately screen and control these unanticipated uses. However, the Special Permit process, which is governed by specific standards and state laws, is not an adequate process to assure that a use is developed in a manner consistent with Town goals or expectations.

Proposal

1. DELETE: The unlabeled line at the foot of the Use Chart, at the end of Section IIIA that reads as follows:

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

2. ADD: New Section III A to read as follows:

A. Regulation of Uses. *This Zoning Ordinance regulates all uses allowed in the Town as specified in the accompanying Use Chart.*

1. *A use not specifically permitted in any district by right or permitted upon issuance of Site Plan approval or a Special Permit shall be deemed prohibited in such district.*
2. *A use not clearly enumerated in this section may have its status determined by an interpretation of the Codes Officer, subject to appeal to the Zoning Board of Appeals.*
3. *A use may be added, removed or modified in Section III B by adoption of a text amendment by the Town Board. (see also Section IX Amendments).*

3. RELABEL:

Section III A Permitted Uses Shall be renamed to: **Section III B. Permitted Uses**

Section III B Restricted Industrial Uses Shall be renamed to **Section III C. Restricted Industrial Uses**

Rationale

This proposal eliminates the vague authority given to the Planning Board to review and act on unanticipated uses. The proposal adds statements as to what controls uses (the Use Chart); clarifies how questions about or variations in use are interpreted and sets forth how uses and the Use Chart itself can be changed.

SAMPLE PAGE

GRANBY ZONING CODE PROPOSED REVISIONS TO AFFECTED PORTIONS OF SECTION III

November 6, 2019

The following are selected portions of pages 7 – 9 of the Town Zoning Ordinance.

SECTION III: USE REGULATIONS

- A. Regulation of Uses. This Zoning Ordinance regulates all uses allowed in the Town.
1. A use not specifically permitted in a district by right or permitted upon issuance of a site plan or special permit approval shall be deemed prohibited in that district.
 2. A use not clearly addressed by this code may have its status determined by an interpretation of the Codes Officer subject to appeal to the Zoning Board of Appeals; or
 3. A use may be added, removed or modified by adoption of a text amendment by the Town Board. (see also Section IX Amendments.)

A. B. 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: A-1 A/R R-1 CIT
In compliance with Section II, Subsection A

Extractive operations and soil mining (in compliance with Section V, Subsection F) S US X X

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

C. Restricted Industrial Uses