

## **ARTICLE 20 ORDINANCE AMENDMENTS**

### **SECTION 20.01 INITIATION OF AMENDMENTS**

The Schuyler Town Board may, from time to time, amend, modify, supplement or revise the provisions of this Ordinance and the zoning district boundaries shown on the Official Zoning Map referred to in this Ordinance, after public notice and hearing. Amendments to the provisions of this ordinance may be initiated by the Town Board, the Planning Board or by petition of one or more residents or property owners of the Town. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Town Board, the Planning Board or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance and the Official Zoning Map shall be referred to the Planning Board for recommendation, which will be forwarded to the Town Board prior to public hearing and consideration.

### **SECTION 20.02 APPLICATION PROCEDURE**

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Town Board or Planning Board, shall be initiated by submission of a completed application on a form supplied by the Town, including an application fee, which will be established from time to time by resolution of the Town Board.

For an amendment to the Official Zoning Map, the following information shall accompany the application form:

1. A legal description, street address and county tax map number of the subject property, together with a map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject property.
4. A written description of how the requested rezoning meets the criteria outlined in Section 20.04.

For an amendment to the Zoning Ordinance, the following information shall accompany the application form:

1. A general written description of the proposed amendment, including a statement addressing how the amendment meets the criteria outlined in Section 20.05.

If requested by the Town Board or the Planning Board, an Environmental Impact Statement (EIS) in accordance with the New York State Environmental Quality Review Act (SEQRA) shall be submitted for any proposed amendment to the Zoning Ordinance or the Official Zoning Map.

### **SECTION 20.03 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE**

1. Upon initiation of an amendment, a work session to consider the proposed amendment shall be scheduled before the Planning Board.
2. The Planning Board shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Town Board.

In the case of an amendment to the Official Zoning Map, the Planning Board shall consider the criteria contained in Section 20.04 below, in making its finding and recommendation.

3. Following receipt of the findings and recommendation of the Planning Board, the Town Board shall conduct a public Hearing and consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Town Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map, the Town Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 20.04 below.

### **SECTION 20.04 CRITERIA FOR AMENDMENT TO THE OFFICIAL ZONING MAP**

In considering any petition for an amendment to the Official Zoning Map, the Planning Board and Town Board shall consider the following criteria in making its findings, recommendations and decision:

- A. Consistency with recent development trends in the area shall be considered.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the list of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of utilities and Town services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Town.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Town in relation to the amount of land in the Town currently zoned and available to accommodate the demand.
- H. The boundaries of the requested rezoning district are reasonable in relationship to the surroundings and construction on the site will meet the dimensional regulations for the zoning district listed in the appropriate Schedule of Regulations.
- I. If a rezoning is appropriate, is there a zoning classification for the property which is more appropriate, from the Town's perspective, than the zoning district requested.
- J. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special uses in the current zoning district to allow the use?
- K. The requested rezoning will not create an isolated and unplanned spot zone.

- L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- M. Other factors deemed appropriate by the Planning Board and Town Board.

**SECTION 20.05 CRITERIA FOR AMENDMENTS TO THE ZONING ORDINANCE TEXT**

The Planning Board and Town Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the ordinance text:

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from Town Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- D. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law in New York State.
- E. The proposed amendment would promote compliance with changes in other Town Ordinances and County, State or Federal regulations.
- F. The proposed amendment is supported by the findings of reports, studies or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- G. Other criteria as determined by the Planning Board or Town Board which would protect the health and safety of the public, protect public and private investment in the Town and enhance the overall quality of life in the Town of Schuyler.