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## **Article XIV. Amendments**

### **§ 118-85. Statutory authorization.**

This chapter or any part thereof, including the Zoning Map, indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or repealed by the Town Board in the manner provided by § § 264 and 265 of the Town Law.

### **§ 118-86. Initiation.**

An amendment to this chapter may be initiated in any of three ways:

- A.** By the Town Board upon its own motion.
- B.** By resolution of the Planning Board, filed with the Town Clerk, wherein certain changes to or repeal of specific provisions of this chapter are recommended, in which case, it shall be the duty of the Town Board to act on such proposed amendment within 90 days of the time such resolution is filed by the Planning Board with the Town Clerk.
- C.** By petition duly signed and acknowledged from the owners of 50% or more of the acreage in any district or part thereof requesting an amendment, supplement or change in the regulations prescribed for such district or part thereof, in which case, it shall be the duty of the Town Board to act upon such petition for amendment within 90 days of the time such petition is filed by the petitioners with the Town Clerk. Said petition shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.

### **§ 118-87. Report of Planning Board.**

- A.** All proposed amendments, supplements or changes originating by petition or by motion of the Town Board shall be referred to the Planning Board for a report and recommendation thereon.

In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the items specified below:

- (1)** Whether such change is consistent with the purposes embodied in this chapter as applied to the particular districts concerned.
  - (2)** Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change.
  - (3)** The indirect implications of such change in its effect on other regulations.
  - (4)** Whether such proposed amendment is consistent with the underlying objectives of the Town Comprehensive Plan.
  - (5)** Whether such proposed amendment is consistent with the character of the community.
- B.** The Planning Board shall submit its report within 45 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be a recommendation of approval of the proposed amendment.

**§ 118-88. Town Board procedures.**

- A.** Public notice and hearing. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:
- (1)** By publishing a notice at least 10 calendar days prior to the time of such hearing in the official newspaper of the town, specifying:
    - (a)** The nature of the proposed amendment.
    - (b)** The land or district affected.
    - (c)** The date, time and place where the public hearing shall take place.
  - (2)** By providing a copy of such notice of any proposed change or amendment affecting property within 500 feet of any other municipality to the Clerk of such municipality at least 10 calendar days prior to the date of such public hearing.
- B.** Required referral. If applicable, the Town Board shall transmit a full statement of any proposed amendment, either map or text, that meets the referral requirements of § 239-m of the General Municipal Law to the Oneida County Planning Board for its review and recommendation. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the County Planning Board or 30 calendar days have elapsed since said Board received such full statement.

**C.** Compliance with State Environmental Quality Review Act. Proposed amendments are actions subject to the provisions of the New York State Environmental Quality Review Act. Prior to formal consideration and public hearing, the Town Board as lead agency shall make a determination as to the type of action and environmental significance of the proposed action in accordance with Part 617 of the NYCRR and Article 8 of the Environmental Conservation Law.

**D.** Town Board action. The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four members of the Town Board, i.e., a majority plus one shall be required if:

**(1)** Action being taken is contrary to the advisory recommendation received from the Town Planning Board or from the County Planning Board under the provisions of § 239-m of the General Municipal Law.

**(2)** In accordance with the provisions of § 265 of the Town Law, a protest petition against such amendment has been duly signed by the owners of at least 20% of the land area included in such proposed change or of that immediately adjacent extending 100 feet therefrom or that directly opposite.

**E.** Conformance with Town Comprehensive Plan. In all cases where the Town Board shall approve an amendment to the Zoning Map, said Board shall find, for reasons fully set in its resolution, such amendment to be in conformity with the Town Comprehensive Plan.

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