

ARTICLE XV AMENDMENTS

This Ordinance, 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Map indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or repealed by the Town Board in the manner provided by Sections 264 and 265 of the Town Law, and the procedures more particularly set forth in this Section of this Ordinance.

A. **Initiation**

An amendment to this Ordinance may be initiated in one of three ways:

1. By the Town Board upon its motion;
2. By resolution of the Planning Board or Zoning Board of Appeals, filed with the Town Clerk, or by petition filed with the Town Clerk duly signed and acknowledged from the owners of ten percent (10%) or more of the land area in any district, wherein certain changes to, or repeal of certain provisions of this Ordinance are recommended;
3. By a committee appointed by either the Town Board or the Town Supervisor for the purpose of amending this Zoning Ordinance.

B. **Advisory Report by Planning Board**

Each such proposed amendment or change shall be referred to the Planning Board. The Planning Board shall submit to the Town Board its advisory report within thirty-five (35) days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within thirty-five (35) days shall be deemed to be a favorable recommendation.

In undertaking such review as shall be requested by the Town Board, the Planning Board shall make inquiry and provide recommendations concerning the matters specified below:

1. Whether such change is consistent with the purposes embodied in this Ordinance as applied to the particular district or districts concerned;
2. Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected;
3. 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;

4. The indirect implications of such change in its effect on other regulations; and
5. Whether such proposed amendment is consistent with the underlying objectives of the Town's Comprehensive Land Use Plan and this Ordinance.

C. Town Board Procedure

1. Public Hearing: No such change in text or zoning district boundary of this Ordinance shall become effective until after a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.
2. Public Notice of Hearing: At least ten (10) days prior to the date of such public hearing, a notice of the time and place of such hearing shall appear in a newspaper of general circulation in the Town. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves according to Section 265 of the Town Law. Notice of any proposed change or amendment affecting property within five hundred (500) feet of any other municipality, state park or parkway shall be provided to the clerk of such municipality(ies) at least ten (10) calendar days prior to the date of such public hearing. Written notice of such proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law shall be given at least ten (10) calendar days prior to the date of such hearing.
3. Required Referral: The Town Clerk shall promptly transmit to the Saratoga County Planning Board any matters required to be referred pursuant to the provisions of Sections 239(l) and 293(m) of the General Municipal Law. Sections 239(l) and (m) of the General Municipal Law require that any municipal zoning regulation, or amendment to a zoning regulation, which would change the district classification of, or the regulations applying to real property lying within a distance of five-hundred (500) feet from the boundary of any city, village, town, existing or proposed county or state park or other recreation area; any right-of-way or any stream or drainage channel owned by the County for which the County has established channel lines; any existing or proposed boundary of any county or state owned land on which a public building or institution is situated. The boundary of a farm operation within an Agricultural District established pursuant to Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances. 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 thirty (30) calendar days have elapsed since the County Planning Board received all materials relevant to such proposed amendment.

4. 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 shall make a determination as to the type of action, lead agency status, and environmental significance of the proposal in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR.
5. 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 (4) members of the Town Board, i.e. a majority plus one, shall be required if:
 - a. Action being taken is contrary to the advisory recommendation received from the Saratoga County Planning Board under the provisions of Sections 239 (l) and (m) of the General Municipal Law; or
 - b. In accordance with the provisions of Section 265 of the Town Law, a protest petition against such amendment has been duly signed and acknowledged by the owners of at least twenty percent (20%) of the land area included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or directly across a street.
6. Publication and Postings: Every Zoning Ordinance and every amendment to a Zoning Ordinance, including any map incorporated therein, shall be entered into the minutes of a meeting of the Town Board. An abstract of said ordinance shall be published in accordance with Local Law Number One (1) of the year 1975.
7. Conformance with Town Comprehensive Land Use Plan: In all cases where the Town Board shall approve an amendment to the Zoning Map, said Board shall find, for reasons fully set forth in its resolution, such amendment to be in conformity with the Town Comprehensive Land Use Plan.