

ARTICLE XI AMENDMENTS

Section 11.01 Town Board May Amend

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Ordinance, after public notice and hearing as provided herein.

Section 11.02 Review by Planning Board

Every proposed amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for its report thereon, prior to Town Board action on the proposal. If the Planning Board does not submit its report within (30) days of the date of the Town Board's referral, or within such longer time period as may be established by the Town Board, it shall be deemed that the Planning Board has approved the proposed amendment or change.

Section 11.03 Amendments by Petition

- (A) A petition to change the Zoning Ordinance, whether to the zoning map or text, shall be filed with the Code Enforcement Officer, who shall refer it to the Town Board.

 - (1) If the proposed change is a map amendment, the petition shall identify the land that is the subject of the application by tax map number and by street address. The petition shall state the current zoning designation of the property, the proposed zoning district and the proposed future use of the property. The petitioner shall state if he/she is the owner of record of the property for which the change is requested.
 - (2) If the proposed change is an amendment to the Zoning Ordinance text, the petition shall identify the current provision, the proposed change, and the reason that the change is being requested.
- (B) In the event the Town Board elects to hear the petition from an applicant or a recommendation from the Planning Board, the Town Board shall comply with the referral provisions of this Code and set a public hearing at its convenience.

Section 11.04 County Referral

The proposed amendment(s) shall be referred to the Cattaraugus County Planning Board in accordance with Section 239-m of General Municipal Law and Section 7.07 of this Ordinance.

Section 11.05 Public Notice and Hearing

(A) Public Notice. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments, and shall cause notice to be given as follows:

- (1) Notice of the public hearing shall be published at least ten (10) days in advance of such hearing in a newspaper in general circulation in the Town. The notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendment may be examined.
- (2) In addition, the following notices shall be given, if applicable:
 - (a) A written notice of any proposed change or amendment affecting property within 500 feet of the boundary of any State Park shall be mailed to the Regional State Park Commission having jurisdiction over such State facility at least ten (10) days prior to the date of such public hearing.
 - (b) A written notice of any proposed change or amendment affecting property within 500 feet of the boundary of any city, village, town, or county, shall be mailed to the clerk of such municipality at least ten (10) days prior to the date of such hearing.
 - (c) A written notice of any proposed change or amendment affecting property within 500 feet of the property of any housing authority erecting or owning a housing project authorized under the public housing law shall be mailed to the executive director of such housing authority and to the chief executive officer of the municipality providing financial assistance thereto, at least ten (10) days prior to the date of such hearing.

(B) Public Hearing. The hearing shall be held at the stated time and place by the Town Board and shall include within its proceedings:

- (1) The proposed change, amendment or supplement, either in complete or summary form.
- (2) An opportunity for all interested persons to be heard in a manner prescribed by the Town Board.

Section 11.06 Town Board Action

(A) The Town Board may act upon the proposed amendment(s) after the receipt of the Town Planning Board's and Cattaraugus County Planning Board's comments and after the public hearing has been held.

- (B) Prior to final action by the Town Board on the proposed amendment, the Town Board shall complete SEQRA review pursuant to the provision of the state environmental quality review act.
- (C) Any such amendments may be approved by a simple majority vote of the Town Board, except that any such amendment shall require the approval of at least three-fourths of the members of the Town Board in the event such amendment is the subject of a written protest, presented to the Town Board and signed by:
- (1) The owners of twenty (20) percent or more of the area of land included in such proposed change; or
 - (2) The owners of twenty (20) percent or more of the area of land immediately adjacent to that land included in such proposed change, extending one hundred (100) feet therefrom; or
 - (3) The owners of twenty (20) percent or more of the area of land directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land.

Section 11.07 Filing Requirements

- (A) Amendments made to this Ordinance, excluding any map incorporated therein, shall be entered in the minutes of the Town Board. Such minutes shall describe and refer to any map adopted in connection with the amendment.
- (B) A copy or a summary of the amendment, excluding any map incorporated therein, shall be published once in a newspaper published in the Town, if any, or in a newspaper having circulation in the Town and published in Cattaraugus County, as the Town Board may designate.
- (C) Affidavits of the publication of the summary or copy of the amendment shall be filed with the Town Clerk.
- (D) The Town Clerk shall maintain every map adopted in connection with this Ordinance and every amendment thereto. Said documents shall be made available during regular business hours for public inspection.