

## Summary of Proposed Changes

### Comparison of 2000 Zoning Ordinance with proposed Zoning Ordinance

The Zoning Ordinance regulates land use in the Town of Allegany. It consists of both a text and a zoning map. The Town has had zoning since the mid-1980s. The current law was adopted in 2000 and has been amended, but not comprehensively reviewed, since then.

The proposed zoning ordinance includes changes to both the text and the zoning map. Some changes were made to revise outdated provisions, to reflect current best practices, and to allow activities that were not anticipated in 2000, such as the resurgence in brew pubs and micro-breweries. Some revisions were made to remove duplications and inconsistencies in the ordinance and to improve clarity and ease of use by Town staff, officials, and the public. Other revisions were made to bring the Zoning Ordinance into compliance with recommendations in the Town's 2011 Comprehensive Plan.

The proposed zoning ordinance retains the same general format of the current ordinance. The following table summarizes proposed major changes to the current Ordinance.

<b>Current Zoning Ordinance II Effective May 2000</b>	<b>Proposed Zoning Ordinance Draft: November 2015</b>
<p><b><u>Article I. General Provisions</u></b> This chapter contains several important sections, such as:</p> <ul style="list-style-type: none"> <li>● the authority to adopt zoning regulations (Section 1.02 Enacting Clause),</li> <li>● the effective date (Section 1.04),</li> <li>● the title of the ordinance (Section 1.03),</li> <li>● the Intent and Purpose of the ordinance (Section 1.06) and</li> <li>● the Severability clause (Section 1.05).</li> <li>● Section 1.10 contains the Incentive Zoning regulations.</li> </ul>	<p><b><u>Article I. General Provisions</u></b> Few substantive changes were made to this chapter.</p> <ul style="list-style-type: none"> <li>● The introductory statement (former Section 1.01) was deleted, which resulted in a change in the numbering of subsequent sections.</li> <li>● The Intent and Purpose provisions (now Section 1.05) were edited slightly for clarity and flow.</li> <li>● The Exemption provisions (former Section 1.09) were revised and moved to Section 1.07, Application of Regulations.</li> <li>● "Parks" and "housing for persons of low or moderate income" were added to the list of amenities in Section 1.09, incentive zoning, to be consistent with state enabling legislation.</li> </ul>
<p><b><u>Article II. Rules and Definitions</u></b> This chapter contains definitions of terms used in the Ordinance.</p>	<p><b><u>Article II. Rules and Definitions</u></b></p> <ul style="list-style-type: none"> <li>● Article II was extensively revised to ensure that all defined terms are used in the Zoning Ordinance and to ensure that all land uses listed in Schedule A, District Use Regulations, are defined.</li> <li>● Definitions have been revised for clarity, and new definitions have been added.</li> <li>● Definitions that were located in other sections of the ordinance (for example in former Section 5.20 Junk Ordinance) have been consolidated in this chapter, which reduces redundancy and contradictory definitions.</li> </ul>

<p align="center"><b>Current Zoning Ordinance II Effective May 2000</b></p>	<p align="center"><b>Proposed Zoning Ordinance Draft: November 2015</b></p>
<p><b><u>Article III. Establishment of Districts and Zoning Map</u></b>  This chapter lists all the zoning districts that are established in the Ordinance (Section 3.01) and incorporates the Zoning Map by reference (Section 3.02). Rules for interpreting district boundary lines are contained in Section 3.03</p>	<p><b><u>Article III. Establishment of Districts and Zoning Map</u></b>  No substantive changes were made to the existing provisions in this Article.</p> <ul style="list-style-type: none"> <li>● A new Section 3.04 was added to provide regulations for lots that are located in more than one zoning district.</li> <li>● A new Section 3.05 provides regulations for more than one principal use per lot. In particular, no more than one detached single family home may be constructed on a lot.</li> </ul>
<p><b><u>Article IV. District Regulations</u></b>  This important chapter contains the land use regulations and dimensional regulations that apply to each zoning district.</p> <ul style="list-style-type: none"> <li>● <b>Section 4.02, Permitted and Special Permitted Uses</b>, contains Schedule A, which lists all land uses that are permitted either as-of-right or with a special use permit in each zoning district.</li> <li>● <b>Section 4.03 Bulk and Coverage Controls (Schedule B)</b>: This Table contains dimensional regulations, such as minimum lot size, setbacks, and height limits, for each zoning district.</li> <li>● <b>Section 4.04 Single-Family Residential District (R-1)</b></li> <li>● <b>Section 4.05 Multi-Family residential district (R-2)</b></li> <li>● <b>Section 4.06 Agricultural-Forestry District (A-F)</b></li> </ul>	<p><b><u>Article IV. District Regulations</u></b></p> <ul style="list-style-type: none"> <li>● <b>Section 4.02</b> includes a new sub-section 4.02(B), to clarify that any land use that is not listed in Schedule A is not permitted in the Town, except through an amendment to the Ordinance.</li> <li>● The format of <b>Schedule A</b> has been revised to group similar land uses together. Within each group, land uses are listed alphabetically, for ease of use. Schedule A was extensively reviewed to ensure that uses in each zoning district are appropriate.</li> <li>● <b>Section 4.03</b>: The name of this section and Schedule B have been changed to "Dimensional Regulations." Some substantive changes have been made to the dimensional regulations: <ul style="list-style-type: none"> <li>○ The height limit in the C-F Community Facilities District has been increased from 45 feet to 60 feet.</li> <li>○ The I-2 Heavy Industrial District has been added to Schedule B.</li> <li>○ Footnotes have been added both to Section 4.03 and to Schedule B to reference sections in the Ordinance that contain exceptions to the standards.</li> </ul> </li> <li>● <b>Section 4.04 Single-Family Residential District</b>: The minimum size requirements for dwellings have been moved to Section 5.08, Minimum Gross Floor Area</li> <li>● The <b>R-2, Multi-Family Residential Zoning District</b> has been eliminated. Sections following Section 4.05 have been renumbered.</li> <li>● No substantive changes were made to <b>Section 4.05, Agricultural-Forestry District</b>.</li> </ul>

Current Zoning Ordinance II Effective May 2000	Proposed Zoning Ordinance Draft: November 2015
<p><b>Article IV. District Regulations (con't)</b></p> <ul style="list-style-type: none"> <li>● <b>Section 4.07 Commercial District (C-1)</b></li> <li>● <b>Section 4.13, Highway Commercial District (C-2)</b></li> <li>● <b>Section 4.08, Light Industrial District (I-1)</b></li> <li>● <b>Section 4.09 Heavy Industrial District (I-2)</b></li> <li>● <b>Section 4.12 Community Facilities District (C-F)</b></li> <li>● <b>Section 4.10 Planned Development District (P-D):</b> These regulations provide a mechanism for mixed use developments and flexible regulations on relatively large properties.</li> <li>● <b>Section 4.11 Floodplain Overlay District (F-O)</b></li> <li>● <b>Section 4.14, Route 417 East Corridor Overlay District (CO-1)</b></li> <li>● <b>Section 4.15 Route 417 West Corridor Overlay District (CO-2)</b></li> <li>● <b>Section 4.16 Wind Energy Overlay District</b></li> </ul>	<p><b>Article IV. District Regulations (con't)</b></p> <ul style="list-style-type: none"> <li>● <b>Section 4.06, Local Commercial District</b> No substantive changes were made to this section.</li> <li>● The provisions for the Highway Commercial District have been moved to <b>Section 4.07, Highway Commercial District</b>, so the two commercial districts will be sequential.</li> <li>● <b>Section 4.08, Light Industrial District (I-1):</b> <ul style="list-style-type: none"> <li>○ A new sub-section 4.08(A)(2) clarifies the boundary line location for the I-1 District.</li> <li>○ The performance standards for uses in this district [Sub-section 4.08(B)(2)] were revised.</li> </ul> </li> <li>● <b>Section 4.09 Heavy Industrial District (I-2):</b> <ul style="list-style-type: none"> <li>○ The performance standards for uses in this district [Sub-section 4.09(B)(2)] were revised.</li> <li>○ The definition of "heavy manufacturing and heavy industry" was moved to Article II, Rules and Definitions.</li> </ul> </li> <li>● <b>Section 4.10 Community Facilities District (C-F):</b> No substantive changes were made to this section.</li> <li>● <b>Section 4.11 Planned Development District:</b> This section was extensively reorganized both for clarity and to streamline the application review and decision-making processes.</li> <li>● <b>Section 4.12 Floodplain Overlay District (F-O):</b> <ul style="list-style-type: none"> <li>○ This section was revised to follow the same format as other sections in Article IV, for clarity.</li> <li>○ Unnecessary citations of statutory authority were deleted, for brevity.</li> </ul> </li> <li>● <b>Section 4.13, Route 417 East Corridor Overlay District (CO-1)</b></li> <li>● <b>Section 4.14 Route 417 West Corridor Overlay District (CO-2)</b> <ul style="list-style-type: none"> <li>○ These sections were revised to provide more flexibility in applying the regulations, by making some provisions recommended, not required.</li> <li>○ Minimum lot width requirements were reduced.</li> <li>○ Minimum driveway separation distances were reduced to correspond to NYSDOT minimum standards.</li> </ul> </li> <li>● <b>Section 4.15 Wind Energy Overlay District (WE):</b> No changes were made to this Section, except for the numbering of the Section.</li> </ul>

<p style="text-align: center;"><b>Current Zoning Ordinance II Effective May 2000</b></p>	<p style="text-align: center;"><b>Proposed Zoning Ordinance Draft: November 2015</b></p>
<p><b><u>Article V. Supplemental Regulations</u></b> This chapter contains regulations that apply to specific types of land uses.</p> <ul style="list-style-type: none"> <li>• <b>Section 5.01, Application:</b> This section states that the provisions of Article V apply in all zoning districts.</li> <li>• <b>Section 5.02, Temporary Structures or Uses:</b> This section discusses temporary uses such as construction trailers and motor vehicle sales.</li> <li>• <b>Section 5.04 Lot Areas and Dimensions:</b> Provisions of this Section have been re-distributed between a new Section 5.03, Lots of Record and a new Section 5.06, Setbacks and Required Yards.</li> <li>• <b>Section 5.05 Access to Public Street:</b> requires all lots to abut an existing or plotted street.</li> <li>• <b>Section 5.03 Height Regulations:</b> This section provides for exceptions to the height limits contained in Schedule B.</li> <li>• <b>Section 5.07 Minimum Gross Floor Area</b> This section contains minimum gross floor area requirements for single-family, two-family and multiple dwellings.</li> <li>• current <b>Section 5.08, Seasonal Residences</b> was deleted.</li> <li>• current <b>Section 5.09 Accessory Structures</b>, was deleted because they are addressed in Article IV.</li> <li>• Current <b>Sections 5.10 and 5.11, Public and Private Swimming Pools</b>, were deleted because they are regulated by the Building Code.</li> </ul>	<p><b><u>Article V. Supplemental Regulations</u></b> This chapter was reorganized and revised.</p> <ul style="list-style-type: none"> <li>• No change was made to <b>Section 5.01</b></li> <li>• <b>Section 5.02, Temporary Structures or Uses:</b> Minor changes were made to the application materials needed for temporary motor vehicle sales in sub-section 5.02(C).</li> <li>• <b>Section 5.03 Lots of Record:</b> Contains sub-sections 5.04 (A), (B), and (C) from the current law.</li> <li>• <b>Section 5.04, Access to Street</b>, has been expanded to allow legal access to a lot to be provided by a permanent access easement, in addition to direct frontage on a public or private road.</li> <li>• <b>Section 5.05 Height Regulations</b> was expanded to note height limitations on Telecommunications Facilities and WECS.</li> <li>• <b>Section 5.06 Setbacks and Required Yards:</b> <ul style="list-style-type: none"> <li>○ This new section includes the "projections into yard" and "sight distance" from current Section 5.04.</li> <li>○ Setback requirements that are now scattered throughout the current Ordinance, including the definitions chapter, are consolidated in this section.</li> <li>○ New provisions for flag lots are provided.</li> <li>○ Rules for measurement of setbacks are included.</li> </ul> </li> <li>• <b>Section 5.07, Minimum Lot Area</b>, consolidates regulations about lot size that are now scattered throughout the current Ordinance.</li> <li>• <b>Section 5.08 Minimum Gross Floor Area</b> <ul style="list-style-type: none"> <li>○ Seasonal residence provisions of current Section 5.08 are incorporated.</li> <li>○ Provisions for minimum Floor Area for multiple dwellings was deleted, since this is regulated by the Building code.</li> </ul> </li> </ul>

<p align="center"><b>Current Zoning Ordinance II</b> <b>Effective May 2000</b></p>	<p align="center"><b>Proposed Zoning Ordinance</b> <b>Draft: November 2015</b></p>
<p><b><u>Article V. Supplemental Regulations</u></b></p> <ul style="list-style-type: none"> <li>• <b>Section 5.18 Manufactured Home Regulations</b> This section contains regulations for: <ul style="list-style-type: none"> <li>○ Manufactured homes on a single family lot,</li> <li>○ Mobile Home Courts,</li> <li>○ recreational vehicles, and</li> <li>○ dependent manufactured homes, which is a home used to house a dependent relative, as an accessory use.</li> </ul> </li>   <li>• <b>Section 5.15 Sign Regulations</b> This section contains a list of signs that are exempt from these provisions and also provides regulations for: <ul style="list-style-type: none"> <li>○ On premises pole and ground (freestanding) signs, which are limited to the C-1, I-1, and I-2 zoning districts only. Pole signs are limited to 20 feet in height and 40 sq.ft. in area.</li> <li>○ On premises wall signs</li> <li>○ Off premises signs (billboards and outdoor advertising).</li> </ul> </li> </ul>	<p><b><u>Article V. Supplemental Regulations</u></b></p> <ul style="list-style-type: none"> <li>• <b>Section 5.09 Manufactured Home Regulations</b> <ul style="list-style-type: none"> <li>○ Regulations for Manufactured Homes on Individual Lots [Section 5.09(B)] have not changed.</li> <li>○ Regulations for Manufactured Home Parks [Section 5.09(C)] were revised to add a requirement for a minimum of two parking spaces per unit and to require a setback from the interior roadway for both homes and parking.</li> <li>○ Section 5.09(E), Dependent Manufactured Homes, was revised to add standards for approval.</li> </ul> </li>   <li>• <b>Section 5.10, Home Occupations</b> This is a new section. Current regulations for Home Occupations are located in the definition in Article II, which is not very clearly written. Currently, Home Occupations are designated as either allowed or permitted with a special use permit, depending upon the zoning district in which they are located, not upon the intensity of the proposed use. The new regulations establish a two-tiered system, in which home occupations with minor impacts are allowed as-of-right in zoning districts, while those with potentially greater impacts are allowed with a special use permit. In addition, some types of uses, due to their intensive characteristics, are prohibited as a Home Occupation.</li>   <li>• <b>Section 5.11 Auxiliary Dwelling Units</b> This is a new section, which allows a second dwelling unit as an accessory use to a single family home, in some limited situations.</li>   <li>• <b>Section 5.12 Sign Regulations</b> This section was reorganized, for clarity. <ul style="list-style-type: none"> <li>○ A new table, Schedule C, summarizes the regulations for on-premises signs.</li> <li>○ Freestanding signs are proposed to be allowed in all zoning districts, with the height limited to 6 feet in the R-1 District. No changes are proposed to the maximum height and size of freestanding signs in other districts.</li> <li>○ Calculation of allowable size of wall signs was changed, in order to allow for larger signs on bigger buildings, which are in proportion to the size of the building. [Section 5.12(E)(2)(a)].</li> <li>○ Regulations for number of wall signs was changed to allow the maximum sign area to be divided among more than one sign on a facade [Section 5.12(E)(2)(a)].</li> <li>○ New regulations for Electronic Graphic Display Signs are included. [Section 5.12(3)(c)].</li> <li>○ Measurement rules are included [Section 5.12(I)].</li> </ul> </li> </ul>

<p align="center"><b>Current Zoning Ordinance II Effective May 2000</b></p>	<p align="center"><b>Proposed Zoning Ordinance Draft: November 2015</b></p>
<p><b><u>Article V. Supplemental Regulations</u></b></p> <ul style="list-style-type: none"> <li>• <b>Section 5.16 Off-Street Parking and Loading Regulations</b></li>   <li>• <b>Section 5.17 Landscaping Regulations</b></li>   <li>• <b>Section 5.14 performance Standards for Commercial and Industrial Use</b> This section contains regulations regarding air pollution, smoke, water pollution, fire hazards, radioactivity, noise and vibration, glare, and erosion.</li>   <li>• <b>Section 5.12 Sanitation</b> This section restricts the dumping of garbage and rubbish.</li>   <li>• <b>Section 5.19 Vehicle Grave Yards and Junkyards as a business</b></li> <li>• <b>Section 5.20 Junk Ordinance</b> These sections provide regulations for Junk Yards and restrictions on junk storage</li>   <li>• <b>Section 5.06 Subsurface Rights</b></li> <li>• <b>Section 5.23 Oil and Gas Production Facilities</b></li>   <li>• <b>Section 5.13 Control of Excavation</b></li> </ul>	<p><b><u>Article V. Supplemental Regulations</u></b></p> <ul style="list-style-type: none"> <li>• <b>Section 5.13 Off-Street Parking and Loading Regulations</b> <ul style="list-style-type: none"> <li>○ New Section 5.13(B)(4) requires a parking lot to have a surface adequate for its anticipated use.</li> <li>○ Minimum Off street parking standards are listed in a new table, Schedule D. Standards were reviewed and modified in some cases. The minimum parking requirement for single family homes was increased from 1 space to 2 spaces.</li> <li>○ Provisions for electronic vehicle charging stations were added. [Section 5.13(C)(4)].</li> </ul> </li>   <li>• <b>Section 5.14 Landscaping Regulations</b> <ul style="list-style-type: none"> <li>○ Section 5.14(B), Applicability was modified to apply only to projects that otherwise require a special use permit and/or site plan review.</li> <li>○ Provisions for screening of trash dumpsters, etc. were modified for consistency with the Performance standards regulations (Section 5.15) and regulations in Section 4.08, Light Industrial District and Section 4.09 Heavy Industrial District.</li> </ul> </li>   <li>• <b>Section 5.15 Performance Standards for Commercial and Industrial Uses</b> The standards were revised, recognizing that other agencies have regulatory authority over potential issues such as air and water pollution. The revisions address issues such as dust, odor, site lighting, traffic, and outdoor storage. The noise provision was revised to reference the Town's Noise Law.</li>   <li>• <b>Section 5.16 Sanitation</b> No changes were made to this section.</li>   <li>• <b>Section 5.17 Junkyards and Storage of Junk</b> This section combines the provisions in current Sections 5.19 and 5.20. <ul style="list-style-type: none"> <li>○ Definitions in Section 5.20 were revised and moved to Article II.</li> <li>○ Section 5.17(C)(1) provides that a special use permit issued for any junkyard is valid for two years and may be renewed.</li> </ul> </li>   <li>• <b>Section 5.18 Subsurface Rights</b></li> <li>• <b>Section 5.19 Oil and Gas Production Facilities</b> No changes were made to these sections.</li>   <li>• <b>Section 5.20 Mining</b> <ul style="list-style-type: none"> <li>○ The title of this section was changed to "mining" to more accurately describe what is being regulated.</li> <li>○ Standards were revised to reference NYSDEC standards, not to require a specific grade or slope.</li> </ul> </li> </ul>



<p align="center"><b>Current Zoning Ordinance II</b> <b>Effective May 2000</b></p>	<p align="center"><b>Proposed Zoning Ordinance</b> <b>Draft: November 2015</b></p>
<p><b><u>Article VI. Nonconforming Uses, Lots and Buildings</u></b></p> <p>This Chapter provides regulations to allow uses that complied with the Zoning regulations when they were first established, to be allowed to continue as legal, non-conforming uses, lots, and buildings.</p> <ul style="list-style-type: none"> <li>• Section 6.04(A) sets a limit of 25% of the true value for any reconstruction or alteration of a non-conforming structure.</li> <li>• Section 6.06 Restoration states that a non-conforming building that is damaged by more than 75% of its value may not be rebuilt.</li> </ul>	<p><b><u>Article VI. Nonconforming Uses, Lots and Buildings</u></b></p> <ul style="list-style-type: none"> <li>• New <b>Section 6.01, Intent</b> contains the provisions in current section 6.01(B).</li> <li>• The cost restrictions on reconstructing or altering a non-conforming structure have been increased from 25% to 50% [<b>Section 6.05(B)</b>]. A formula was added for determining market value.</li> <li>• <b>Section 6.05(C)</b> requires the grant of an area variance for any expansion where a non-conforming structure would become more non-conforming.</li> <li>• <b>Section 6.05(D)</b> allows a non-conforming Manufactured or Mobile home to replace another non-conforming manufactured or mobile home, provided that it is the same size or larger and meets building code requirements.</li> <li>• <b>Section 6.07 Restoration</b> allows any damaged non-conforming building to be replaced, within one year of the damage.</li> </ul>
<p><b><u>Article VII. Administration and Enforcement</u></b></p> <p>This chapter contains the administrative procedures for the Zoning Ordinance, and also contains some enforcement provisions.</p> <ul style="list-style-type: none"> <li>• Sections 7.02 and 7.03 provides the authority of the Code Enforcement Officer.</li> <li>• Section 7.04 discusses zoning permits</li> <li>• Section 7.05 sets out the process for obtaining a zoning permit, certificates of occupancy and certificates of compliance.</li> <li>• Section 7.06 provides authority for the Planning Board</li> <li>• Section 7.07 establishes the Zoning Board of Appeals and lays out the criteria and process for granting use and area variances.</li> <li>• Section 7.08 includes the process for referrals to the County Planning Board</li> <li>• Section 7.09 includes rules of procedure that apply to all boards. This section was deleted and relevant provisions were incorporated into Section 7.06 and Section 7.07</li> </ul>	<p><b><u>Article VII. Administration</u></b></p> <p>This chapter was extensively revised.</p> <ul style="list-style-type: none"> <li>• Enforcement provisions were consolidated in Article X, Enforcement, to avoid duplication.</li> <li>• <b>Section 7.03 Duties of the Code Enforcement Officer</b> was reorganized and consolidated, but not materially changed.</li> <li>• Current Sections 7.04 and 7.05 were consolidated into one new <b>Section 7.04 Procedures for obtaining building and zoning permit, certificates of occupancy and certificates of compliance</b>. The procedures recognize that a joint building and zoning permit is issued, not a separate zoning permit.</li> <li>• Section 7.05, Planning Board is reorganized, but not materially changed.</li> <li>• Minor revisions were made to <b>Section 7.06, Zoning Board of Appeals</b>: <ul style="list-style-type: none"> <li>○ Section 7.06(B)(5) provides authority to revoke variances in some circumstances.</li> <li>○ Several procedural steps from NYS Town Law were added to Section 7.06(C) Procedure</li> <li>○ The provisions for providing public notice for hearings were changed to require notices to be sent to properties within 500 feet of a property for both use and area variances.</li> </ul> </li> <li>• A new <b>Section 7.07(A)(2)</b> references the Referral Exemption Agreement between the Town and the County. This agreement is included as an Appendix to the Ordinance.</li> <li>• A new <b>Section 7.08, State Environmental Quality Review</b>, was moved to this chapter from Article V.</li> </ul>



<p align="center"><b>Current Zoning Ordinance II Effective May 2000</b></p>	<p align="center"><b>Proposed Zoning Ordinance Draft: November 2015</b></p>
<p><b><u>Article VIII. Special Use Permit Regulations</u></b> This Chapter lays out the process and standards for obtaining a Special Use Permit</p>	<p><b><u>Article VIII. Special Use Permit Regulations</u></b></p> <ul style="list-style-type: none"> <li>• This article was extensively revised, to lay out the application requirements and the approval process.</li> <li>• Current Section 8.03 Application Procedure and Section 8.05 Approval of Special Use Permits have been combined into new <b>Section 8.03, Application Procedure.</b></li> <li>• Section 8.03 includes new provisions for amendments to the use permit, revocation of the use permit, and an application that is abandoned.</li> </ul>
<p><b><u>Article IX. Site Plan Review</u></b> This Chapter lays out the process and standards for obtaining Site Plan approval.</p>	<p><b><u>Article IX Site Plan Review</u></b></p> <ul style="list-style-type: none"> <li>• Section 9.02(A)(11) was revised to exempt billboards and outdoor advertising signs from site plan review.</li> <li>• A new Section 9.07(B) was added to the Consultant review provisions, to expand the process for requiring reimbursement of consultant expenses by an applicant with a large-scale project.</li> <li>• Section 9.08(C)(1) was expanded to provide criteria for the types of projects to which this requirement would apply.</li> </ul>
<p><b><u>Article X. Enforcement, Penalties and Other Remedies</u></b></p>	<p><b><u>Article X. Enforcement, Penalties and Other Remedies</u></b> This chapter was extensively revised.</p> <ul style="list-style-type: none"> <li>• <b>Section 10.01 Violations</b>, was revised to include the "authority" language from Article VII. New wording was added restricting the "right to enter" language in this section and in section 10.02(B).</li> <li>• <b>Section 10.02 Procedure for Abatement of Violations</b>, was expanded to lay out a more complete and explicit process.</li> <li>• <b>Section 10.02(F)(3)</b> provides that the Town Board may apply to have a violation corrected by the Town at the owner's expense.</li> <li>• New <b>Section 10.03, Penalties</b>, was moved from current section 10.02(A).</li> </ul>
<p><b><u>Article XI. Fee Schedule</u></b> This Section, which gives the town Board the authority to set fees relating to the Zoning Ordinance, has been moved to Article I, Section 1.08. No substantive changes have been made.</p>	
<p><b><u>Article XII. Amendments</u></b> This chapter lays out procedures for amending the zoning ordinance; most of these procedures are set by NYS law.</p>	<p><b><u>Article XI. Amendments</u></b> No substantive changes were made to this chapter, but some procedural requirements from NYS Town Law were included.</p>

<p align="center"><b>Current Zoning Ordinance II</b> <b>Effective May 2000</b></p>	<p align="center"><b>Proposed Zoning Ordinance</b> <b>Draft: November 2015</b></p>
<p><b><u>Zoning Map</u></b> The zoning map graphically displays the zoning districts to which the regulations in the text apply.</p> <p>There are currently 12 zoning districts in the Town:</p> <ul style="list-style-type: none"> <li>• R-1 Single-family Residential District</li> <li>• R-2 Multi-family Residential District</li> <li>• A-F Agricultural-Forestry District</li> <li>• C-1 Commercial District</li> <li>• C-2 Highway Commercial District</li> <li>• I-1 Light Industrial District</li> <li>• I-2 Heavy Industrial District</li> <li>• C-F Community Facilities District</li> <li>• P-D Planned Development District</li> <li>• F-O Floodplain Overlay District</li> <li>• CO-1 Route 417 East Corridor Overlay District</li> <li>• CO-2 Route 417 West Corridor Overlay District</li> <li>• WE Wind Energy Overlay Zones</li> </ul>	<p><b><u>Zoning Map</u></b> The revised zoning map shows all tax map parcels in the Town, which will make interpretation of district boundaries easier. Major features of the proposed zoning map are:</p> <ul style="list-style-type: none"> <li>• <b><i>R-1 Single-family Residential District</i></b> <ul style="list-style-type: none"> <li>○ The areas around the Village of Allegany, along the Five Mile and W. Five Mile Roads, along the Four Mile Road and along the West Branch Road are currently zoned R-1. This is not proposed to change.</li> <li>○ The area in the vicinity of Hawthorne Lane, which is now zoned A-F, is proposed to be zoned R-1, to be consistent with current land use in this area.</li> <li>○ The R-1 zoning district in the vicinity of Valley View and Keim Hollow Roads is expanded to include the areas adjacent to and between these roads.</li> <li>○ Other areas that are currently zoned R-1 would remain in the R-1 District.</li> </ul> </li> <li>• <b><i>R-2 Multi-family Residential District</i></b> The R-2, Multi-Family Residential Zoning district has been eliminated. Areas now zoned R-2 would be zoned R-1.</li> <li>• <b><i>A-F Agricultural-Forestry District</i></b> <ul style="list-style-type: none"> <li>○ The area in the vicinity of the South Nine Mile Road, Birch Run Road and Klice Cross Road, which is now zoned R-1, is proposed to be zoned A-F, to be consistent with the Town's Comprehensive Plan map.</li> <li>○ A portion of the area north of I-86, west of the West Five Mile road, which is now zoned I-1, is proposed to be zoned A-F, due to the steep slope and inaccessibility of this area.</li> </ul> </li> <li>• <b><i>C-1 Local Commercial District</i></b> <ul style="list-style-type: none"> <li>○ The area west of the village between Route 417 and I-86, west of W. Five Mile Road, which is currently zoned I-1, is proposed to be zoned C-1.</li> <li>○ The frontage of parcels in the vicinity of Park and Allegany Streets are currently zoned C-1 to a depth of 500 feet from the right-of-way. The proposal would zone the frontage parcels as C-1.</li> <li>○ No other changes are proposed in the areas that are currently zoned C-1.</li> </ul> </li> <li>• <b><i>C-2 Highway Commercial District</i></b> The only change proposed to the boundaries of this district is the addition of a small parcel on Constitution Avenue, currently zoned I-2, to better reflect the use of the property as an ice cream stand.</li> </ul>

<p align="center"><b>Current Zoning Ordinance II</b> <b>Effective May 2000</b></p>	<p align="center"><b>Proposed Zoning Ordinance</b> <b>Draft: November 2015</b></p>
	<p><b><u>Zoning Map (continued)</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>I-1 Light Industrial District</i></b> <ul style="list-style-type: none"> <li>○ The north boundary of the I-1 District north of Route 417 has been expanded from 1000 feet from the right-of-way to extend to the 1400 foot contour, to take advantage of the topography in that area.</li> <li>○ The I-1 Zoning District in the vicinity of Buffalo Road has been expanded north of Maple Road to include the County Highway Barn property. This property currently is zoned R-1.</li> <li>○ The area in the vicinity of Constitution Ave, including the railroad yard, which is now zoned I-2 Heavy Industrial District, is proposed to be zoned light Industrial I-1 since that district is more compatible with adjacent residential properties.</li> </ul> </li>   <li>• <b><i>I-2 Heavy Industrial District</i></b> The area in the vicinity of Potter Road is currently zoned I-2. No change is proposed to this district.</li>   <li>• <b><i>C-F Community Facilities District</i></b> The Community Facilities (C-F) district consists of SBU, the golf course, and cemetery. No change is proposed to the boundaries of this district.</li>   <li>• <b><i>F-O Floodplain Overlay District</i></b> The boundaries of the Floodplain Overlay District are determined by FEMA mapping. No changes are proposed to these boundaries.</li>   <li>• <b><i>CO-1 Route 417 East Corridor Overlay District</i></b></li> <li>• <b><i>CO-2 Route 417 West Corridor Overlay District</i></b> No changes are proposed to the boundaries of the Corridor Overlay districts.</li>   <li>• <b><i>WE Wind Energy Overlay District</i></b> There are currently no areas in the Town that are located in this Zoning District.</li> </ul>