

**ARTICLE IX        AMENDMENTS**

**SECTION 901        INITIATING AMENDMENTS**

A.     Initiating Amendments

The Town Board may, from time to time, on its own motion, on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Ordinance.

B.     Petitions

Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner and filed in triplicate, accompanied by the required fee.

C.     State Environmental Quality Review (SEQR)

Amendments of the Ordinance may be subject to the State Environmental Quality Review process (SEQR). The Town Board should identify the type of action the zone change is according to SEQR regulations. Depending on the size of the zone change and several other factors it may be a TYPE I or an UNLISTED action. To make a decision, the Board should consult Part 617 of Article 8 of Environmental Conservation Law (New York).

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed.

**SECTION 902        REFERRAL OF PROPOSED AMENDMENTS TO THE  
TOWN PLANNING BOARD AND COUNTY PLANNING  
BOARD**

A.     Referral to Town Planning Board

All proposed amendments other than those requested by the Planning Board shall be referred to the Planning Board for its recommendation thereon. The Planning Board shall submit its report prior to the public hearing. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

B.     Referral to County Planning Board

Where required by Section 239m of the General Municipal Law or other

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applicable statute a proposed amendment shall be referred to the Genesee County Planning Board, which Board shall report its recommendations to the Town Board within thirty (30) days from the date of such referral. Failure of the Genesee County Planning Board to report within thirty (30) days may be construed to be approval by the Board. In the event that the Genesee County Planning Board disapproves the amendment or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members of the Town Board and after the adoption of a resolution fully setting forth the reasons for such contrary action.

### **SECTION 903 HEARING ON PROPOSED AMENDMENT**

Before adopting any amendments to this Ordinance the Town Board shall give notice of hearing thereon to such persons and in such manner as is required by Section 264 of the Town Law for the amendment of an Ordinance and shall hold a hearing thereon pursuant to such notice.

### **SECTION 904 PETITION PROTESTING AMENDMENT**

In case of a protest against such change signed by the owners of twenty per centum or more, either of the area of the land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet, from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Town Board.

### **SECTION 905 PERIODIC REVIEW BY PLANNING BOARD**

From time to time, at intervals of not more than three years, the Planning Board shall reexamine the provisions of the Ordinance and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or welfare.