

**Town of Columbus
Site Plan Review Law Draft**

(Approved by Town Board 6-11-09, revisions 9-10-09, 8-19-2011)

Table of Contents

ARTICLE I Introductory Provisions

- Section 1.010 Enactment
- Section 1.020 Short Title
- Section 1.030 Intent and Purpose
- Section 1.040 Authorization

ARTICLE II Applicability

- Section 2.010 Applicability of Review Requirements
- Section 2.020 Effect on Existing Uses
- Section 2.030 Relationship of This Law to Other Laws and Regulations
- Section 2.040 Definitions

ARTICLE III Standards

- Section 3.010 General Standards
- Section 3.020 Specific Standards for Manufactured Homes

ARTICLE IV Public Hearing and Planning Board Decision

- Section 4.010 Public Hearing
- Section 4.020 Planning Board Decision

ARTICLE V Appeal of Planning Board Decision

- Section 5.010 Appeal Procedure

ARTICLE VI Miscellaneous Provisions

- Section 6.010 Enforcement Officer
- Section 6.020 Further Regulations by Town Board
- Section 6.030 Amendments
- Section 6.040 Integration of Procedures
- Section 6.050 Fees
- Section 6.060 Enforcement
- Section 6.070 Severability

ARTICLE I

Introductory Provisions

Section 1.010 Enactment.

The Town Board of the Town of Columbus, New York does hereby ordain and enact the Town of Columbus Site Plan Review Law pursuant to the authority and provisions of section 10 of the Municipal Home Rule Law and section 274-a of the Town Law.

Section 1.020 Short Title.

This Local Law shall be known as the "Site Plan Review Law." The Town of Columbus is hereinafter referred to as the "Town". "The Town of Columbus Planning Board" is hereinafter referred to as the "Planning Board".

Section 1.030 Intent and Purpose.

Through the site plan review, it is the intent of this local law to promote the health, safety and general welfare of the Town and its residents. A clean, wholesome, attractive environment described by its residents as "Rural in its Character" in *The Survey of 2005*, is declared to be of importance as well. In addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town.

It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town, by regulating land use activity within the town through review and approval of site plans. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities, which will meet the standards set forth in this local law.

Section 1.040 Authorization of Planning Board to review site plans.

The Planning Board is hereby authorized to review and approve or disapprove site plans for all residential and commercial structures within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

ARTICLE II

Applicability

Section 2.010 Applicability of Review Requirements.

This local law will regulate the following land use activities:

1. Minimum lot size
2. Minimum road frontage per lot.
3. Minimum set back requirements.
4. Maximum number of dwelling units per parcel.
5. Manufactured Homes.

Any persons uncertain of the applicability of this local law to a given land use activity may apply in writing to the Planning Board for a jurisdictional determination.

Section 2.020 Effect on Existing Uses.

- A. This law does not apply to uses and structures, which are lawfully in existence as of the date this local law becomes effective.
- B. Any use, which would otherwise be subject to this law that has been discontinued for a period of one year or more, shall be subject to the provisions of this local law before such use is resumed.
- C. Any use or structure shall be considered to be in existence, provided the same has been substantially commenced as of the effective date of this local law and fully complete and constructed within one year from the effective date of this local law.

Section 2.030 Relationship of This Law to Other Laws and Regulations.

This local law in no way affects the provisions or requirements of any other federal, state, local laws or applicable regulations. This local law shall be considered an initial procedure relative to other local laws and/or regulations. However, where it is determined to be in conflict with any other such law or regulation, the more restrictive shall apply. This includes but is not limited to New York State Fire Protections and Building Codes, NYS Property Maintenance Code, subdivision regulations, sanitary codes, refuse disposal, junkyard ordinances, Fresh Water Wetlands Act, State Environmental Quality Review Act and NYS Mined Land Reclamation Law.

Section 2.040-Definitions.

"Lot" means a tract or parcel of land intended for transfer or ownership, use or improvement.

"Manufactured Home" means a factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD).

"Mobile Home" means a factory-manufactured dwelling unit built prior to June 15, 1976 per Residential Code of New York State, which refers to any portable structure or vehicle with a permanently affixed towing frame capable of being propelled or towed on a public highway (whether or not the wheels are presently attached). And so designed and constructed as to permit (pursuant to applicable codes) occupancy thereof as a residence, or as an office or other place of business for the conduct of trade, business, profession or occupation. For purposes of this Local Law, travel trailers and motor homes shall not be considered mobile homes.

"Modular Home" means a factory-manufactured dwelling unit, conforming to applicable provisions of the Residential Code of New York State and bearing insignia approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation or assembly and permanent installation.

"Dwelling Unit" means a complete, self-contained, residential unit for permanent, temporary, or seasonal habitation by one family only and containing one or more rooms and facilities for living including cooking, sleeping and sanitary needs.

"Family" means a person or persons related to each other by blood, marriage or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of such a family, living together as a single housekeeping unit.

"Occupancy Unit" means a building or portion of a building used for any purpose other than habitation.

"Set Back" means the distance a structure is from the centerline of a roadway or right-of-way or the edge thereof which ever is greater.

"Side Lines" means the boundary by which two properties are divided by.

"Subdivision" as defined by the Subdivision law.

"Structure" means any object constructed, installed or placed on land to facilitate land use and development or sub-division of land, such as buildings, signs (over 100 square feet or more of signage or above twenty (20) feet in height). tanks and any fixtures, additions and alterations thereto.

"Structure, accessory" means any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free standing garage for vehicles accessory to the principal use, a storage shed, garden house, outdoor furnace or similar facility.

Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

ARTICLE III

Standards

Section 3.010 General Standards.

All land use within the Town of Columbus shall comply with the following general standards:

1. The minimum lot size will be five (5) acres.
2. The minimum road frontage per lot along a road will be 500 feet. In cases where the lot faces more than one road only one side must be 500 feet.
3. Maximum of one (1) dwelling unit per lot. There shall be only one dwelling unit on a non-farm lot. More than one dwelling unit per lot shall be permissible on farms for hired help or family members of the farm operator only, upon the granting of Site Plan Approval by the Planning Board. A second dwelling unit per lot for occupancy by a family member may be permissible on non-farm lots upon granting of a Special Use

Permit by the Planning Board. A dwelling unit per lot for occupancy by non-family members may be permissible on non-farm lots only upon granting of a Special Use Permit by the Planning Board.

4. All new construction, alterations, improvements, removal or demolition of any structure or structure, accessory shall be in compliance with the New York State Uniform Fire Protections and Building Code. This includes the minimum of square feet of living space required for dwelling units.
5. A minimum two (2) off-street parking spaces shall be provided for each dwelling unit. Additional parking may be required for occupancy units to be determined by the Town Planning Board.
6. A minimum of fifty (50) foot frontage setback (see definition) is required unless superseded by the required right of way. A minimum thirty (30) foot set back from a structure or structure, accessory to a side and rear yard boundary is required on non-road sides.
7. All sanitary systems must comply with the Town of Columbus Sanitary Regulations. Well and septic distance will be a minimum of 100 feet.
8. All water systems must comply with the most recent edition of Rural Water Supply, New York State Department of Health.
9. Adequate and safe driveway access on state and county roads in the Town of Columbus must be approved by the appropriate supervisory person in charge of the road where the parcel is located. A minimum driveway width of ten (10) feet is required to allow for emergency vehicle access. Town roads of Columbus are under the supervision of the Town of Columbus Highway superintendent.
10. Driveway permit required for Roads owned by the Town of Columbus.

Section 3.020 Specific Standards for Manufactured and Mobile Homes.

1. Each manufactured or mobile home shall be provided with a skirt on all sides to screen space between the mobile home and the ground. Such skirts shall be of a material that conforms to the standards of the New York State Uniform Fire and Building Codes.
2. Each manufactured or mobile home shall be provided with a stand which will give a firm base and adequate support for the manufactured home. Stands must conform to the standards set forth in the latest edition of the New York State Uniform Fire Prevention and Building Codes. The stand area shall be graded to ensure adequate drainage.

ARTICLE IV

Public Hearing and Planning Board Decision

Section 4.010 Public Hearing.

The Planning Board may conduct a public hearing on the site plan if considered desirable by a majority of the members, or if a Special Use Permit is required. Such hearings shall be held within (62) days of the receipt of correct and complete application for site plan review and shall be advertised in the town's official newspaper, or if there is none, in a newspaper of general circulation in the town at least five (5) days before the public hearing.

Section 4.020 Planning Board Decision.

Within (62) days of receipt of the correct and complete application for site plan approval or a public hearing is held within (62) days of public hearing, the Planning Board shall render a decision. In its decision the Planning Board may approve, approve with modifications, or disapprove the site plan. The time period in which the planning board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

1. Approval. Approval will be determined by the vote of the majority of the Planning Board. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, receipt requested. Such approval shall be valid for one year.
2. Approval with Modifications. The planning board may conditionally approve the final site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the Planning Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the plan and shall immediately file it and a written statement shall be mailed to the applicant by certified mail, return receipt requested.
3. Disapproval. Upon disapproval of the site plan the decision of the Planning Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the Planning Board reasons for disapproval.

ARTICLE V

Appeal of Planning Board Decision

Section 5.010 Appeal Procedure.

Any person aggrieved by any decision of the Planning Board relative to a site plan review may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board, as all set forth in Section 282 of Town Law.

ARTICLE VI

Miscellaneous Provisions

Section 6.010 Enforcement Officer.

The Town Board shall appoint an Enforcement Officer or designate an agency to carry out the duties assigned by this local law or by any additional regulations adopted pursuant to Section 6.020 thereof. If appointed, the Enforcement Officer or designated agency shall be responsible

for the overall compliance of the site plan review law, including cooperation with the Town Board and other officials and agencies as required.

Section 6.020 Further Regulations by Town Board.

The Town Board may after a public hearing, adopt such further rules and regulations, as it deems reasonably necessary to carry out the provisions of this local law. Such rules and regulations shall be approved by a resolution of the Town Board prior to taking effect.

Section 6.030 Amendments.

The Town Board may on its own motion, or on petition, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

Section 6.040 Integration of Procedures.

Whenever the circumstances of a proposed development require compliance with the site plan review law and with any other local law, ordinance or requirement of the Town, the Planning Board shall attempt to integrate as appropriate site plan review as required by the local law with the procedural and submission requirements for such other compliance.

Section 6.050 Fees.

Application fee shall be paid to the Town of Columbus upon the submission of applications provided for by the terms of this local law. The schedule of fees and penalties will be available from the Town Clerk, and may be amended from time to time by the resolution of the Town Board

Section 6.060 Enforcement.

Any person, corporation, partnership or other legal entity that should violate any of the provisions of this local law or any conditions imposed by permit pursuant hereto, shall be guilty of an offense and subject to a fine, according to the current Schedule of Fees and Penalties as approved by the Town Board. Penalties will be recovered by the Town in civil action. Every such person or entity shall be guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

Section 6.070 Severability.

The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision adjudged invalid, and the rest of this local law shall remain valid and effective.