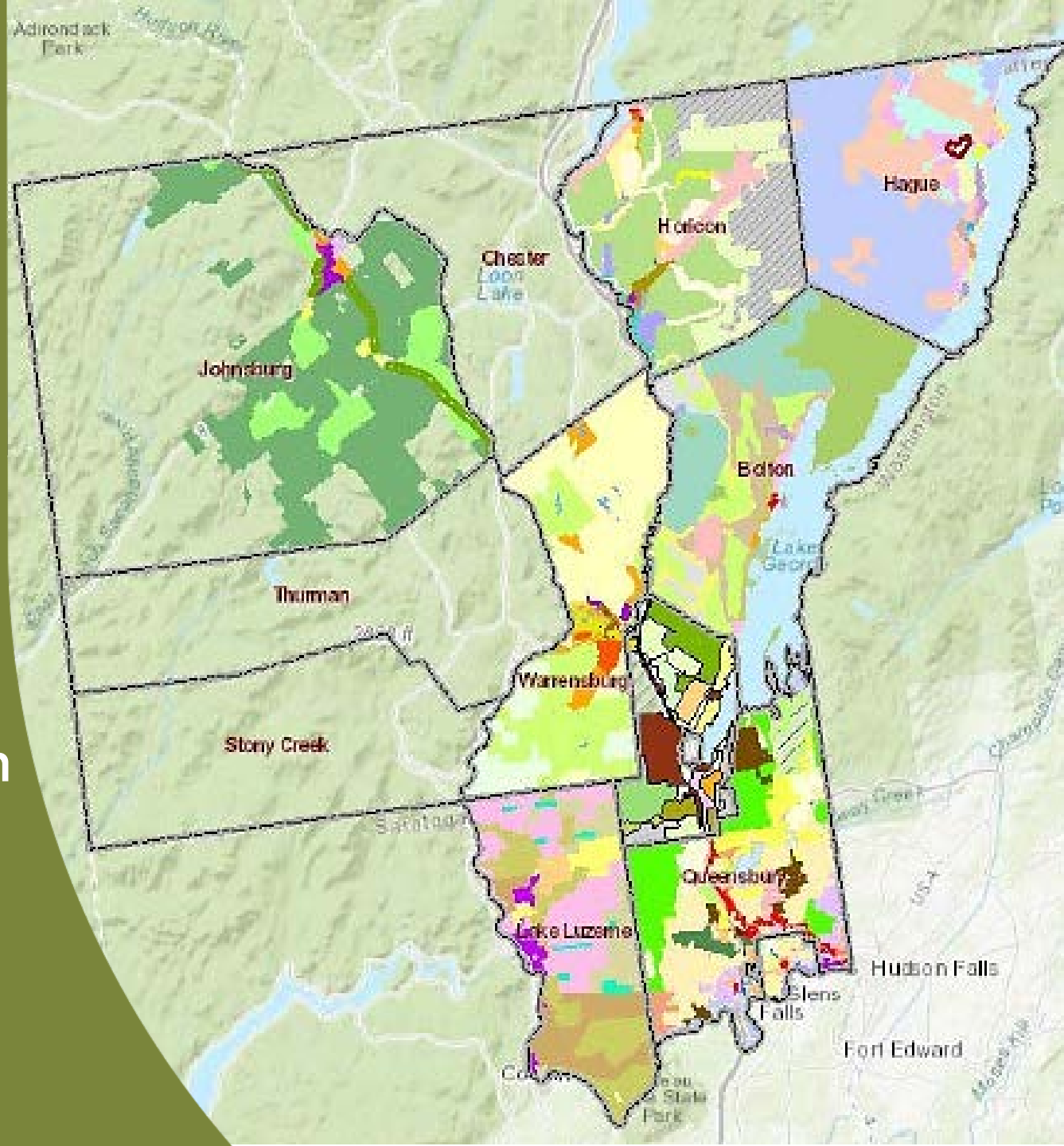




5<sup>th</sup> Annual Southern  
Adirondack Planning &  
Zoning Forum

# Zoning Law Case Study - Town of Bolton Zoning Revision

October 3, 2017



# Presenting Today



Jim Martin, AICP Senior Planner and Project Manager

- 34 Yrs Experience
- Consulting on ordinance development as well as administration
- Served as municipal zoning administrator, planner, community development director and economic development director
- Worked with towns and villages across the Adirondack Park

Susan Wilson, Town Board Member – Town of Bolton

- Member of the Warren County Planning Board
- Served 7 years on the Town of Bolton Planning Board
- Six years on Town Board – Currently Deputy Supervisor
- Zoning revision liaison for the Town Board

# Zoning Revision



TOWN OF  
**BOLTON**  
WARREN COUNTY, NEW YORK

Are you ready to update the zoning chapter of your municipal code?

- **Leading indicators:**

- ✓ High volumes of variances
- ✓ Consistent problem areas; lack of definition; out-of-date use schedules; dealing with “high-tech”
- ✓ Age of code – if older than 10 years – it may be time...

- **Is your “foundation” for updating zoning up-to-date?**

**Town Law Art. 16, §262. Districts.** “For any or all of said purposes the town board **may divide** that part of the town which is outside the limits of any incorporated village or city **into districts** of such number, shape and area as may be deemed best suited to carry out the purposes of this act; and within such districts it **may regulate** and restrict the erection, construction, reconstruction, alteration or **use of buildings, structures or land**. All such regulations shall be uniform for each class or kind of buildings, throughout such district but the regulations in one district may differ from those in other districts.”

Are you ready to update the zoning chapter of your municipal code?

- Is your “foundation” for updating zoning up-to-date?

**Town Law Art. 16, §263. Purpose in view. “Such regulations shall be made in accordance with a comprehensive plan** and designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to facilitate the practice of forestry; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.”



TOWN OF  
**BOLTON**  
WARREN COUNTY, NEW YORK

Are you ready to update the zoning chapter of your municipal code?

Composition of a municipal code can vary widely – more later as to why this is relevant...

[Code Index](#)

Town of Bolton

Warren County, NY

[LAND USE LEGISLATION](#)

[Chapter 1 GENERAL PROVISIONS](#)

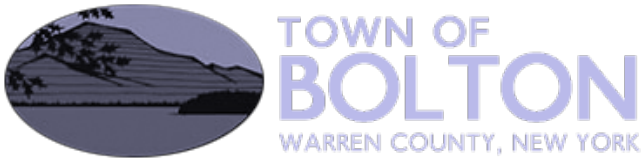
[Chapter 125 STORMWATER AND EROSION CONTROL](#)

[Chapter 150 SUBDIVISION OF LAND](#)

[Chapter 200 ZONING](#)

[DISPOSITION LIST](#)

[Chapter DL DISPOSITION LIST](#)



Are you ready to update the zoning chapter of your municipal code?

- **How in-depth do you need to go?**

Options include:

OPTION 1: Full code update – address district boundaries, address use district use schedules, consolidate chapters to form a unified development code, review and revise definitions, revise form and content of chapter articles

OPTION 2: Partial update – review and revise definitions, revise form and content of chapter articles



## How in-depth do you need to go?

Options include:

Option 1:	Option 2:
<p>Why this option?</p> <ul style="list-style-type: none"><li>• Older regulations</li><li>• Fundamental problems: District boundaries not reflecting current/desired use pattern ; use schedules out-of-date</li></ul>	<p>Why this option?</p> <ul style="list-style-type: none"><li>• Regulations have kept pace</li><li>• Use pattern is well-established</li><li>• Minor adjustments needed to keep regulatory program current</li></ul>
<p>Pluses/Minuses:</p> <ul style="list-style-type: none"><li>• Fully updated code – brings regulations into 21<sup>st</sup> century</li><li>• Opportunity for logical unification of regulations</li><li>• Controversial → Time consuming</li></ul>	<p>Pluses/Minuses:</p> <ul style="list-style-type: none"><li>• Leaves districts and uses in place</li><li>• Less controversial</li><li>• Less involved – quicker to get to the end</li></ul>



## The Town of Bolton decided upon Option #2.

- Clean up of chapter layout
  - ✓ Dimensional standards and definitions are in attached schedules
- Clear, well defined word utilization
  - ✓ NOTE: Every use listed whether principal or accessory is defined
- Plain language presentation of regulations
- Use schedules presented in a chart-format with density, purpose, permitted uses, permitted accessory uses, dimensional requirements, and uses subject to site plan review on one page (front & back).
  - ✓ Easy to reference for staff and public
  - ✓ Information in one place
  - ✓ Easy to maintain and keep track of subsequent revisions



A final update and note of caution:

**NYS has now dictated that manufactured homes are to be treated in local zoning as single family-dwellings.**

NYS Executive Law - Article 21.B § 616. Manufactured homes as single-family dwellings in residential districts. A manufactured home that is affixed to a permanent foundation and conforms with the identical development specification and standards, including general aesthetic and architectural standards, applicable to conventional, site-built single-family dwellings in the residential district in which the manufactured home is to be sited, shall be deemed to be a conforming single family dwelling for purposes of the applicable local zoning law or ordinance.