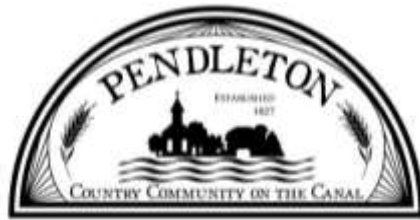


TOWN OF PENDLETON
6570 Campbell Boulevard
Lockport, NY 14094



*Supervisor Joel Maerten
Councilman Jason Evchich
Councilman David Fischer
Councilman Justin Graham
Councilman David Leible*

At the regular meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on December 14, 2020.

WHEREAS, the Planning Board has dedicated great time and effort focused on an endeavor identifying needed updates to the Town Code of the Town of Pendleton, and

WHEREAS, identified updates have been communicated to the Town Board for review and adoption,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of December 2020 that the following additions, deletions, and modifications to the Town Code are accepted in its entirety by resolution of the Town Board, effective immediately:

RESOLUTION SECTION A) REPEAL TOWN CODE ARTICLE VI GENERAL LEGISLATION - §247-37 GOLF COURSES IN ITS ENTIRETY.

RESOLUTION SECTION B) ADOPT TOWN CODE ARTICLE VI GENERAL LEGISLATION - §247-37 GOLF COURSES IN ITS ENTIRETY.

§ 247-37 Golf courses.

The Planning Board may grant a Special Use Permit for a public golf course, private golf course, nonprofit golf course, commercial golf course or country club on a site of not less than 50 acres in any district, subject to the following conditions and such other conditions as shall be found necessary or desirable:

- A. Provisions for sanitary facilities shall have prior approval from the Town and County Health Departments.

- B. All buildings, parking areas, greens, tees, swimming pools and similar sources of noise shall be sufficiently removed from all property lines to assure the quiet enjoyment of adjacent properties and shall not be less than 100 feet from an adjacent property line.
- C. Any artificial lighting shall be shielded so as not to create conditions harmful or annoying to neighbors.
- D. Any signs shall be limited to identifying the use and shall be expressly approved by the Board.
- E. Suitable provision shall be made that any sales or services shall be incidental to the recreation use.
- F. Appropriate control of hours of operation shall be taken where considered necessary.
- G. Not more than 5% of the site shall be covered by buildings.
- H. Location and design of entrance drives shall be such as to minimize traffic hazard and nuisance factors.
- I. All Golf Course Applications shall be subject to Planning Board Site Plan Review per Section 247-54.
 - 1) Environmental Review (SEQR) is required.
 - 2) Public Hearing is required.
 - a. 400 feet notification is required.
 - 3) A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.

RESOLUTION SECTION C) REPEAL TOWN CODE PART II: GENERAL LEGISLATION, CHAPTER 104 BED-AND-BREAKFASTS IN ITS ENTIRETY.

RESOLUTION SECTION D) ADOPT PROPOSED TOWN CODE PART II: GENERAL LEGISLATION, §247-47, BED-AND-BREAKFASTS IN ITS ENTIRETY.

§247-47 Bed-and-Breakfasts

A. Purpose.

The Town Board recognizes that popularity has risen with regard to the rental of rooms on a temporary basis and on occasion providing breakfast to the renter, which has become known as a "bed-and-breakfast residence or inn." The Town Board has determined that the permission for such incidental use of an existing residence should not create a detriment to the surrounding residences, provided the same is properly regulated.

B. Definitions; regulations.

Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BED-AND-BREAKFAST RESIDENCE

A residence with living quarters within the principal building for the temporary use of guests of the occupants of the premises, which living quarters shall not be a dwelling unit and which are not rented or otherwise leased as separate dwelling units.

C. Regulations.

- (1) Bed-and-breakfast permits shall only be granted for residences in an R2 Zone and for existing residences (at the time this chapter is adopted) in a commercial zone which are used solely for residential purposes. Any property in a commercial zone which has any commercial activity shall not be allowed to operate a bed-and-breakfast.
- (2) No building permit for an addition to the principal structure may be issued within three (3) years of any granting of a bed-and-breakfast permit. No bed-and-breakfast Special Use Permits may be granted within three (3) years of the issuance of a building permit for an addition to the principal structure.
- (3) The quarters to be utilized by the guests or the occupants of the premises shall not be permitted in any accessory structure.

- (4) The principal building in which the use is permitted shall be occupied by the owners as their principal residence.
- (5) The use by guests shall be temporary only and limited to a maximum of fourteen (14) days for any one (1) guest.
- (6) A maximum of three (3) bedrooms and nine (9) guests shall be allowed.
- (7) At least one (1) bathroom shall be provided for each six (6) guests.
- (8) At least one (1) smoke detecting device shall be located in each bedroom.
- (9) At least one (1) fire extinguisher shall be located in every hallway.
- (10) Emergency lighting shall be provided in every hallway leading to an exit.
- (11) The serving or providing of meals to paying guests shall be limited to breakfast.
- (12) One (1) off-street parking space shall be provided for each room or rooms designated as a living quarter, in addition to the off-street parking spaces for the residence.
- (13) Signs shall be limited by Chapter 247, Zoning.

D. Special Use Permit.

- (1) The structure to be used must comply with all state, county and local health and building codes and permits.
- (2) The standards and regulations governing this use shall not be construed to exclude the requirement for further conditions and standards as determined as necessary for granting a Special Use Permit.
- (3) Such use shall be considered as a Special Use and shall require a Special Use Permit granted by the Planning Board.

E. All Bed-and-Breakfast Applications shall be subject to Planning Board Site Plan Review per Section 247-54.

- (1) Environmental Review (SEQR) is required.
- (2) Public Hearing is required.

a) 400 feet notification is required.

F. A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.

G. Application for a Special Use Permit shall be accompanied by a fee of two hundred fifty dollars (\$250). The Town Building Inspector/Code Enforcement Officer shall inspect the premises for compliance with all applicable codes before any permit is granted.

H. Fees.

(1) Once a Special Use Permit is granted, the Bed-and-Breakfast will be subject to an annual inspection by the Building Inspector/Code Enforcement Officer. An annual inspection fee of fifty dollars (\$50) payable prior to inspection is required.

(2) See Chapter 131 to verify current fees.

I. Penalties for offenses.

Every person, firm, or corporation convicted of a violation of any provision of this chapter shall be punished by a fine of not more than two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days, or both. Each and every day that a violation of this chapter is permitted to exist by an owner of a bed-and-breakfast residence shall constitute a separate offense.

RESOLUTION SECTION E) ADOPT ALL APPROPRIATE BED-AND-BREAKFAST FEES AS DETAILED IN NEWLY ADOPTED TOWN CODE PART II: GENERAL REGULATIONS, §247-47, BED-AND-BREAKFASTS AND ADD SUCH FEES TO TOWN CODE PART II: GENERAL LEGISLATION, CHAPTER 131 FEES.

**RESOLUTION SECTION F) REPEAL TOWN CODE ARTICLE VII:
SUPPLEMENTAL REGULATIONS, §247-55 OIL AND GAS WELLS.**

**RESOLUTION SECTION G) ADOPT NEW TOWN CODE ARTICLE VII:
SUPPLEMENTAL REGULATIONS, §247-55 OIL AND GAS WELL IN ITS
ENTIRETY.**

§ 247-55 Oil and gas wells.

- A. All oil or gas wells and gas and oil storage facilities shall be located in accordance with the yard requirements of this chapter. They shall not be nearer than 150 feet to any public building or area which may be used as a place of assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic or occupancy by the public. They should not be nearer than 75 feet to the traveled part of any public street, road or highway and/or closer than 100 feet to any public stream, river or other body of water. In addition, all laws and regulations enforced by the Oil and Gas Division of the New York State Department of Environmental Conservation shall be observed.
- B. All Oil and Gas Well Applications shall be subject to Planning Board Site Plan Review per Section 247-54.
 - 1) Environmental Review (SEQR) is required.
 - 2) Public Hearing is required.
 - a. 400 feet notification
- C. A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation(s).
- D. See Chapter 131 for appropriate fees.

**RESOLUTION SECTION H) REPEAL TOWN CODE ARTICLE VII:
SUPPLEMENTAL REGULATIONS, §247-56 AIRPORTS AND AIRSTRIPS IN
ITS ENTIRETY.**

**RESOLUTION SECTION I) ADOPT NEW TOWN CODE ARTICLE VII:
SUPPLEMENTAL REGULATIONS, §247-56 AIRPORTS AND AIRSTRIPS IN
ITS ENTIRETY.**

§ 247-56 Airports and Airstrips.

- A. It shall be unlawful for any person to construct, maintain or operate, within the limits of the Town of Pendleton, any airport unless such person shall first obtain a Special Use Permit from the Planning Board.
- B. The Special Use Permit shall be valid for a period of three years. Application for a renewal shall be filed with the Planning Board not less than 60 days before expiration of the current permit. Any Special Use Permit not renewed within 60 days after the expiration date shall become null and void. A renewal shall not require a public hearing. A change of ownership and/or operating personnel shall require a new Special Use Permit.
- C. Application for a Special Use Permit for an airstrip shall be accompanied by a fee (see Chapter 131 for fee schedule) and also any engineering costs. A renewal fee (see Chapter 131 for fee schedule) shall be collected every three years.
- D. Applications for Special Use Permits shall be accompanied by a plan of the airport showing the size of the field, position and size of buildings or structures, runways, number of planes permanently stationed or housed thereon, etc. It shall show the location of the airport from two intersecting streets. Any alteration or changes in the length or direction of runways shall require a new permit.
- E. All Airport Airfield Applications shall be subject to Planning Board Site Plan Review per Section 247-54.
 - (1) Environmental Review (SEQR) is required.
 - (2) Public Hearing is required.
 - (a) 400 feet notification
- F. A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board

Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.

G. No plane other than the applicant's may be based permanently at a private airstrip.

H. Spacing requirements between existing and proposed airports shall be the sum of the following radii prescribed for each airport, in accordance with its size classification as defined in this section.

Class	Radius (miles)
I or smaller	1
II	2
III	3
IV or larger	4

I. The size classification of airports under this section shall be in accordance with the standards as established by the Federal Aviation Administration or its successor.

The above resolution was offered by _____, who moved for its adoption, and seconded by _____.

Aye Nay

Supervisor Joel Maerten

Councilman Jason Evchich

Councilman David Fischer

Councilman Justin Graham

Councilman David Leible