

SUMMARY OF CODE REVISIONS

As requested by Niagara County, below is a summary of the revisions made to the Code of the Town of Pendleton (“Town Code”) which will be implemented via Local Law 2 of 2022. This summary is divided into three sets of revisions: set one comprises the substantive changes made to the Town Code; set two comprises the minor changes made to clarify certain cross references, make definitions consistent, remove fee amounts and refer instead to the Fee Schedule, etc.; and set three comprises the changes necessary to reinstate certain sections of the Town Code that were inadvertently partially repealed by Local Law 4 of 2020. The revised provisions in set three were also slightly modified to clarify definitions, cross references, etc. Explanations are provided below for any substantive revisions.

Set one – substantive revisions:

- Chapter 247 – Zoning
 - Section 247-10 – R1 District: Low-Density Residential
 - The provision on side yard setbacks was modified to require a side yard setback for driveways.
 - Section 247-11 – R2 District: Medium-Density Residential
 - The provision on side yard setbacks was modified to require a side yard setback for driveways.
 - Section 247-12 – CO1 District: Light Commercial
 - This was modified to add Small Retail Business/Businesses in Conjunction with Small Contractor Shops as special permit uses in this district.
 - Article V – Special Use/Special Use Permits
 - This Article was modified to change the term from Special Exception to Special Use Permit, clarify the Town Board as the authorized body to issue Special Use Permits, and to include requirements pursuant to Town Law and General Municipal Law.
 - Section 247-47 – Bed & Breakfasts
 - Minor substantive changes were made to this provision, including requiring compliance with state, county and local health and building codes and permits and referring to the definition of Bed & Breakfast in Section 247-4, Definitions.
 - Sections 247-42 through 247-45 and Section 247-85 were repealed and replaced with Article XIV (Excavation and Fill; Property Maintenance), consisting of the following two sections:
 - Section 247-87 – Excavation and Fill
 - This section creates the requirements for any excavation work in the Town and consolidates the various requirements, new and previously existing, into one section.
 - Section 247-92 – Property Maintenance & Safety – Residential Construction
 - This section was created to implement requirements necessary to ensure safe and proper construction of residences in the Town.
 - Article X – Building Department Administration

- The current Article IX (Administration) and the sections therein will now be consolidated into Article X (Section 247-73).
- This new Article X includes clarifying definitions, the authority of the Code Enforcement Officer/Building Inspector, all the necessary permitting that the Building Department issues (*e.g.*, Building Permits, Operating Permits, etc.) and the requirements and exemptions for each, the authority of the Building Department to conduct inspections and issue Stop-Work Orders, etc.
- Article XI – ZBA and Planning Board Administration
 - This Article, and Sections 247-74 through 247-76 was created to consolidate the current Article X (Zoning Board of Appeals) and Article XI (Planning Board) outlining the duties and authority of both boards.
 - The new Section 247-74 was based on the former Article X and was modified to ensure compliance with Town Law and General Municipal Law for issuances of variances and clarify the Zoning Board of Appeals’ procedures.
 - The new Section 247-75 was based on the former Article XI and was modified to make minor clarifications.
 - The new Section 247-76 was included to create a mechanism for alternate members to serve on the Zoning Board of Appeals and Planning Board.
- Article XIII – Stormwater Management Regulations and Drainage
 - The current Article XIV was modified and combined with the Town’s drainage requirements, as they currently exist in Chapter 122 (Drainage), to create the new Article XIII. The requirements (*i.e.*, plans etc. to be submitted for drainage permits) were also expanded from the original Chapter 122 and Chapter 122 will be repealed in its entirety.

Set two – revisions needed to clarify definitions, terms, cross references, etc.:

- Chapter 97 – Adult Uses
- Chapter 100 – Amusement games and centers
- Chapter 110 – Buildings, moving of
- Chapter 117 – Contractor’s, Licensing of
- Chapter 119 – Dogs and Other Animals
 - Section 119-2 – License required
 - Section 119-10 – Seizure, impoundment, redemption and adoption
- Chapter 131, Fees
 - This Chapter was modified to simply refer to the Town of Pendleton Fee Schedule, adopted by the Town Board by Resolution, so the Town can more efficiently modify fee amounts in the future, as needed.
- Chapter 133 – Fire prevention, rapid entry system
- Chapter 191 – Parks and Recreation Areas
 - Section 191-6 – Use of all-terrain vehicles on Town property
- Chapter 192 – Peddling and Soliciting
 - Section 192-7 – Fees
- Chapter 194 – Plumbing
- Chapter 198 – Property maintenance

- Chapter 209 – Sewers and Water
 - Section 209-1 – Definitions
 - Section 209-13 – Water and sanitary sewer inspection
- Chapter 213 – Waste Disposal and Landfills
 - Section 213-5 – Definitions
 - Section 213-9 – Permit application contents and permitting fees
- Chapter 217 – Streets and sidewalks
- Chapter 222 – Swimming pools
- Chapter 236 – Water, potable
 - Section 236-6 – Certified inspector’s fees
- Chapter 247 – Zoning
 - Section 247-4 – Definitions
 - Some definitions were added or modified to make consistent with the text of the substantive provisions they appear in.
 - Section 247-14 – LI District: Light Industrial
 - Section 247-15 – SLI District: Special Light Industrial
 - Section 247-37 – Golf Courses
 - Section 247-38 – Rod and gun clubs
 - Section 247-39 – Home occupations
 - Section 247-40: Livestock and livestock buildings
 - Section 247-53(F)(2) – Electronic message centers
 - Section 247-55 – Oil and Gas Wells
 - Section 247-56 – Airports and Airstrips
 - Article VIIIA – Cellular telecommunications facilities
 - Section 247-68.13 – Residential wind energy conversion systems, standards
 - Article VIIC – Solar Energy System Regulations

Set three – revisions to reinstate provisions partially repealed by Local Law 4 of 2020:

- Chapter 114 – Camping, travel trailer and recreational vehicle parks
- Chapter 135 – Flood damage prevention
- Chapter 200 – Public Improvements
- Chapter 220 – Subdivision of land
- Chapter 247 – Zoning
 - Section 247-49 – Mobile home parks
 - Section 247-54 – Site plan review; performance and design standards
 - One substantive modification was made to this section, ensuring compliance of site plan approval with General Municipal Law.