

Local Law No. 1 2016  
Amending section 161-67.B.3

A local law amending section 161-67.B.3 of the Town of Brant Zoning Code relative to renewals of special use permits.

**Section 1. Legislative intent**

It is the intent of this local law to specify the process for periodic renewals of special use permits.

**Section 2. Repeal and Replacement of Existing Town of Brant Zoning Code Section 161-67.B.3**

Existing Section 161-67.B.3 of the Town of Brant Zoning Code is hereby repealed in its entirety and is replaced with a new section 161-67.B.3 which reads as follows:

All special use permits are subject to annual renewal by the Town Board unless the Town Board specifies another period of time for periodic renewal or unless the Town Board specifically exempts the permit from periodic renewal. This periodic renewal allows the Town Board to monitor the community and neighborhood impact of the use(s) allowed by the special use permit as well as the permittee's compliance with conditions which may have been attached to the special use permit.

All such renewals shall be granted by the Town Board following due public notice and hearing and renewal may be withheld only upon determination by the Town Board that such conditions as may have been prescribed by the Town Board in conjunction with the existing special use permit have not been, or are no longer being complied with or are no longer appropriate or effective to mitigate damaging, detrimental or undesirable community or neighborhood impacts; including, but not limited to, impacts which have arisen since or were not contemplated when the special use permit was granted or last renewed.

Each permittee whose special use permit is subject to periodic renewal shall submit a renewal application and pay any applicable fee to the Town Clerk at least thirty (30) days prior to the expiration of its existing permit.

Before a special use permit is revoked as part of this renewal process (that is, separate from any revocation resulting from enforcement proceedings), the permittee may request a period of thirty (30) days to come into full compliance with all special use permit conditions (including any new conditions set by the Town Board at the time of the renewal review): and such 30-day compliance period shall be granted unless the Town Board makes a determination that the community and neighborhood impacts are so severe that immediate revocation is necessary and appropriate. All such determinations shall be solely the responsibility of the Town Board based upon such investigations, reports and evaluations as may be required by the Town Board.

No town officer or agent may modify any condition or extend any deadline in any special use permit without the express authorization and approval of the Town Board.

**Section 3. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the

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court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 4. Effective date**

This local law shall take effect immediately upon adoption by the Brant Town Board.

Adopted: April 12, 2016

