

## **Zoning Amendments Narrative**

The Town of Fallsburg (the “Town”) Town Board audited the Town Zoning Code and identified several amendments necessary to more closely align with the Town Comprehensive Plan (the “Comp Plan”), New York State Uniform Fire Prevention and Building Code (“Uniform Code”) and Religious Land Use and Institutionalized Persons Act (“RLUIPA”). Specific changes include:

- Amending the definitions of accessory structure, building height, building coverage, bungalow colony, lot area, retreat, and adding a definition for religious use, religious retreat, and density.
- Expanding the permitted uses in the Industrial District (“I”) to enable commercial development in more locations and reducing setbacks for religious uses to the least constraining in the zoning district to meet RLUIPA purposes.
- Granting the Planning Board discretion during site plan review in (1) considering mitigations for development of religious uses that are consistent with SEQR, the comprehensive plan and zoning law; and (2) approving extensions of site plan approval for 2, 6-month periods, and defining vested rights for site plan approval based on New York State controlling case law.
- Granting the Planning Board discretion during special use permit approvals to grant waivers for religious uses while bolstering the review standards and application requirements for special use permits.
- Amending the handling of Nonconformities to encourage renovations that improve existing building’s compliance with the Uniform Code by allowing relocation or redevelopment in-kind that meets the Zoning Law, Comprehensive Plan, and Uniform Code. Further amending non-conforming uses to ensure the same standard is used for all non-conforming uses regarding expansion and compliance.
- Amending the Environmental Constraints section 310-5.4 to ensure that development yield is properly applied as a density calculation rather than based on lot area and applying the same standard for steep slope in density calculations for residential and commercial uses.