TOWN OF MINA
PROPOSED LOCAL LAW NO. 2 OF 2026

UPDATE TO LOCAL LAW #3-2025 TOWN OF MINA ZONING LAW – ALLOWING FOR THE CONSTRUCTION OF A POLE BARN/POLE STRUCTURE IN R1 RESIDENTIAL ZONING DISTRICT WITH THE GRANTING OF A SPECIAL USE PERMIT BY THE ZONING BOARD OF APPEALS

PURPOSE: The Town Board of the Town of Mina recognizes that the Town of Mina's Zoning Law, in keeping with the intent of the Town's Comprehensive Plan, may occasionally require amendments, revisions or clarifications to allow for a more understandable and just interpretation and enforcement of the law.

WHEREAS, a comprehensive plan is a community's official long-range planning document and, after public input, the Town of Mina adopted a Comprehensive Plan in February 2024 that includes the following:

- Mina's Mission: "… To ensure diverse interests of the community are taken into consideration when making decisions while maintaining a balance between individual property rights and community needs. To promote an atmosphere of mutual respect and cooperation by citizens, community organizations, and government officials when approaching issues."
- Government Goal: To live in a community where local officials are accessible and communicate with the community, where adequate infrastructure and public services are available, and where citizens are treated fairly and consistently.
    - Objective: To strive to administer the laws of the Town in a fair and consistent manner.
    - Objective: To promote communication with citizens regarding local issues and decisions to encourage active participation in the community.

WHEREAS, under the present Town of Mina Zoning Law (Local Law #3-2025 effective June 12, 2025) construction of a pole barn/pole structure is not permitted in the R1 Residential Zoning District as well as R2 Lakeside Residential, B1 Historic Business, and B3 Sunnyside Business Districts unless the applicant meets all of the criteria for a Use Variance including demonstrating a hardship that is not self-created, and

WHEREAS, under the present Town of Mina Zoning Law construction of a pole building/pole structure is allowed with a Permit by Right in A1 Agricultural District and with a Special Use Permit in AR Agricultural Residential, B2 Commercial Business, and B4 Shadyside Business Districts, and

WHEREAS, the R1 Residential Zoning District covers some areas that abut the A1 Agricultural District and other areas that are near the R2 Lakeside Residential District; a reasonable approach for decision making is for the Zoning Board of Appeals to have the discretion through the Special Use Permit process to determine if a pole barn/pole structure should be allowed; and

WHEREAS, the Town of Mina will continue to review and amend or revise the Zoning Law periodically to address inconsistencies and attend to contemporary issues; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Mina proposes to adopt Local Law #2-2026 allowing for the construction of a pole barn/pole structure in R1 Residential Zoning District with the review and granting of a Special Use Permit by the Zoning Board of Appeals.

EFFECTIVE DATE: This local law revision shall take effect immediately upon its filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.