

# Draft 3 - Conceptual Zoning Update Recommendations – T. Richland/V. Pulaski

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**Introduction:** In April of 2016, existing land use regulatory documents for the Town of Richland and Village of Pulaski were reviewed by the CNY Regional Planning and Development Board in collaboration with the joint Town and Village Zoning Update Working Committee. The existing laws pre-date (1989 and 1992) the 2011 joint Town and Village Comprehensive Plan which has also gone under review for recommended updates during 2015 and 2016. In an effort to ensure that the Town and Village land use regulations are in keeping with the goals of the updated Comprehensive Plan, and to update the law to include some of the many improved land use tools and techniques have become advisable in recent years; several areas of the regulatory language were identified for recommended updates. Recommendations for sustainable land use and development from the 2013 Leadership in Energy and Environmental Design (LEED) 'Technical Guidance Manual for Sustainable Neighborhoods' also offer important guidance and have been considered in the recommendations.

Recommendations for updates are provided to the Town and Village in conceptual regulatory language and not language of the law to help make the intent of the updates to the law generally easier to understand and to aid in general land use regulatory planning and decision-making. Ultimately, the legal language of the updated Town of Richland and Village of Pulaski Zoning Laws must be developed and then consulted for complete and accurate regulatory guidance.

**Purpose of Zoning and Subdivision Laws:** The zoning and subdivision laws regulate the location, construction, and use of buildings, structures and land in the Town and are concerned with upholding the minimum requirements for the promotion of *public health, safety, convenience, comfort, and general welfare*.

**Existing Lots:** Existing lots of record that are otherwise in conformance with Town or Village Laws immediately preceding adoption of new zoning laws continue to be eligible as building lots, so long as any necessary variances are granted.

**How Zoning Districts Work:** New land use districts and special "overlay" districts can set the general parameters for the types of uses allowed, and the pattern and density of future development in specific geographic areas. "Overlay" districts can identify lands with special concerns that have been identified in the Town and Village Comprehensive Plan as worthy of protection, and they add some specific rules to those areas. An example of a special concern area would be Richland's water resources. Where zoning districts such as 'Rural Agricultural' or 'Commercial' form the underlying districts, each with their own set of rules, an "overlay district" would apply added rules to the overlay area while the rules of the underlying district also remain in effect. On a zoning map, the "overlay" districts can overlap, with more than one overlay potentially applicable to a parcel, but each overlay addresses a specific issue of that area with specific rules.

## **Review of Village of Pulaski Zoning (1992)**

The following are issue areas of the existing Village zoning that have been identified and are recommended to be addressed in updates to the law.

**Mixed Use:** There are no zones designated for a mix of uses. Mixed use zones would benefit the village by encouraging more compact development, making the village more walkable and bikeable and results in greater access to services and jobs. Mixed use also encourages infill development and rehabilitation of underutilized buildings.

**Green Infrastructure and Materials:** (Page 31, §64-15) – Construction standards do not include green infrastructure or green materials standards. Encouraging the use of green building materials (reclaimed, recycled, permeable, low e, etc.) make construction more sustainable and reduce issues associated with pollutants and flooding that can occur post-construction (for example using porous material for new parking areas, planting or preserving trees, considering solar orientation).

**Street Design Standards:** (Page 87, §126-9) – Where the subdivision abuts or fronts on arterial streets, sidewalks are required, but bike lanes or expanded shoulders required with new development would help provide more opportunities for non-vehicular transportation through the village.

**Block Design Standards:** (Page 88, §126-10) Blocks over 800 feet in length may be required to have a crosswalk if necessary to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other similar neighborhood facility. Changing “may be required” to “will be required” and changing the phrase “if necessary” to as appropriate, would help to expand pedestrian infrastructure and make the village more walkable.

**Cluster Development:** (Page 94, §126-24) *“When the zoning regulations are amended to so permit, the Planning Board may approve plats with lot dimensions below the minimum area standard normally required in the zoning district, provided that equivalent additional land is set aside as open space or that portions of the proposed development are designated for lower density development.”* Cluster development is not the best method to encourage more compact development and preservation of open space because it doesn’t provide a process for optimum location of development and can be less flexible and effective. Zoning amendments should be made to allow for a conservation subdivision requirement for major subdivisions (i.e. more than 3 lots created, where a new street is introduced, or earth moving exceeding what is incidental to construction of a single-family dwelling on each lot).

**Flexible Lot Sizes:** (Page 124, §160-23) *“no lot width or area shall be reduced to less than 50% of those required by the district regulations.”* To encourage compact development and preservation of open space, conservation subdivision standards should be implemented to allow for flexible lot sizes and shapes that facilitate conservation value-based open space preservation.

**Minimum Dwelling Size:** (Page 127, §160-38.A) Minimum square footage for dwellings is required. To allow for a diversity of home types, smaller homes and more compact development such as popular new “Tiny homes” movement designs, floor area square footage minimums should be eliminated.

**Agricultural Uses:** (Page 127, §160-39.A) – Agriculture is not a permitted use in some districts discouraging farm buildings and operations as nonconforming uses with variances or special permits required for operation, or expansion. Agricultural uses should be permitted in all zones.

**On-site Renewable Energy Systems:** (Page 127, §160-39.A) Onsite renewable energy systems such as solar PV or small wind energy facilities should be allowed in all districts subject to reasonable conditions that will protect the environment, public health, safety, and welfare. This will encourage the use of renewable energy, decreasing reliance on fossil fuels, reduce carbon emissions, and air pollution, and will save investor's money.

**Electric Vehicle Charging Stations:** (Page 127, §160-39.A) Electric vehicle charging should be allowed as an accessory use in all districts or defined as to what types are permissible in what zones. Either approach is one step in the required steps to get a \$2,500 NYSERDA grant. Allowing EVs and charging equipment reduces fossil fuel use, carbon emissions, and air pollution.

**Lot Area and Yard Minimums:** (Page 127, §160-39.C) Minimums for lot area should be set for compatibility with character areas such as Village residential or Hamlet zones. Lot depth should be flexible. Yard minimums should be set within an aggregate, and front yards in Village residential and Hamlet Zones should have a maximum front yard compatible with the traditional street character. Conservation subdivision settings can allow more flexible lot layout in support of compact development and preservation of open space.

**Building Height Maximums:** (Page 130, §160-41) Building height maximum of 35' in business districts limits opportunities for growth within more compact, mixed-use areas. Heights of 50' should be allowed in districts where such growth would support community access to services, jobs and economic development.

**Off-street Parking Minimums:** (Page 134, §160-49) Off-street parking minimums for various residential, commercial, and industrial scenarios require excessive area dedicated to surface parking. Reductions in space requirements and allowed shared parking should be implemented. For commercial and industrial uses, alternative transportation should be encouraged as well as EV charging stations to encourage alternative fuel vehicles.

**Minimum Road Frontage:** (Page 135, §160-53) Minimum road frontage in residential areas should be in keeping with traditional character areas and flexible enough to allow for conservation subdivision and preservation of open space. This would allow an entry drive width with the remaining bulk of lot area located behind a road frontage lot in conservation subdivisions.

**Accessory Dwellings:** (Page 141, §160-77) Accessory dwellings that are approved by Special Permit can provide for affordable housing and income opportunities. Approved accessory dwellings should allow for use in a qualified home occupation, opportunities for elderly cottages, or rental to low-income individuals. The requirement that the residents of the second dwelling be a family member should be removed.

## **Review of Town of Richland Zoning (1987)**

The following are issue areas of the existing Town zoning that have been identified and are recommended to be addressed in updates to the law. There are some issue areas in common here with the Village recommended updates.

**Mixed Use:** There are no zones designated for a mix of uses. Particular areas in the Town (Port Ontario, Selkirk Point, and the Hamlets of Richland and Fernwood) would benefit from the introduction of mixed use zones that would encourage more compact development, making the area more walkable and bikeable and could result in greater access to services and jobs. Mixed use areas also encourage land use efficiencies by increasing opportunities for infill development and rehabilitation of underutilized buildings.

**District Descriptions:** Existing defined districts include variations of residential, agricultural, recreational, cottage, commercial and industrial use areas that limit development by allowable use and minimum lot size in a range from 24,000 s.f. to a 10 acre district minimum. Delineations of districts are generally described by proximity and access of lands to transit corridors which has contributed to strip development along roadways in some areas rather than consolidated developed areas. District descriptions should have greater correspondence to natural or cultural features and resources such as aquifers, wellheads, soil permeability, flood plains, historic districts, and scenic areas. This can be accomplished with a simpler, yet more diverse Town zoning delineation that incorporates flexible conservation subdivision requirements, floating planned development zones, and Hamlet zones that rely on character area-based design guidance.

**Flexible Lot Sizes:** To encourage compact development and preservation of open space, conservation subdivision standards should be implemented to allow for flexible lot sizes and shapes that facilitate conservation value-based open space preservation.

**Lot Area and Yard Minimums:** (Pages 40, Section 405 and 45, Section 415) Minimums for lot area should be set for compatibility with character areas such as Hamlet residential or Waterfront mixed use zones. Lot depth should be flexible. Yard minimums should be set within an aggregate, and Hamlet zones should have a maximum front yard compatible with the traditional street character. Conservation subdivision settings can allow more flexible lot layout in support of compact development and preservation of open space.

**Agricultural Uses:** Agriculture is not a permitted use in some districts which can discourage farm buildings and operations as nonconforming uses with variances or special permits required for operation, or expansion. Agricultural uses with encouragement of best practices should be permitted in all zones.

**Accessory Uses:** (Page 56, Section 477) **Onsite renewable energy systems** such as solar PV or small wind energy facilities should be allowed in all districts subject to reasonable conditions that will protect the environment, public health, safety, and welfare. This will encourage the use of renewable energy, decreasing reliance on fossil fuels, reduce carbon emissions, and air pollution, and will save investor's money. In addition, **Electric Vehicle Charging and Charging Stations** should be allowed as an accessory use in all districts or defined as to what types are permissible in what zones. Either approach is one step in the

required steps to get a \$2,500 NYSERDA grant. Allowing EVs and charging equipment reduces fossil fuel use, carbon emissions, and air pollution.

**Off-street Parking Minimums:** (Page 59, Section 510) Off-street parking minimums for various residential, commercial, and industrial scenarios require excessive area dedicated to surface parking. Reductions in space requirements and allowed shared parking should be implemented. For commercial and industrial uses, alternative transportation should be encouraged as well as EV charging stations to encourage alternative fuel vehicles.

**Mobile Home Parks:** (Page 63, Sections 530 and 531) Mobile homes or trailers in parks can provide affordable housing or recreational use but should be well located, scaled appropriately to the environmental setting and a part of the community, rather than a separate and isolated domain. The allowable units per acre settings for mobile home parks should not include unbuildable acreage and should comply with modified conservation subdivision standards. Screening, setbacks and a maximum number of total allowable units should be implemented to avoid an over-scaled land use.

**Accessory Dwellings:** (Page 81, Section 572) Accessory dwellings that are approved by Special Permit can provide for affordable housing and income opportunities. Approved accessory dwellings should allow for use in a qualified home occupation, opportunities for elderly cottages, or rental to low-income individuals. The requirement that the residents of the second dwelling be a family member should be removed.

**Residential Lot Area and Width:** (Page 83, Section 580) Minimums for lot area and width should be set to allow for compatibility with character areas such as rural agricultural or Village edge zones. Lot depth and width should be flexible. Yard minimums should be set within an aggregate, and front yards in Hamlet Zones should have a maximum front yard compatible with the traditional street character. Conservation subdivision settings can allow more flexible lot layout in support of compact development and preservation of valued open space.

## **Some General Recommendations:**

Recommended updates to the Town and Village land use laws, that are compatible with and supportive of the joint Town of Richland and Village of Pulaski Comprehensive Plan, include the following:

### **Simplifying and Clarifying Land Use Districts:**

- (1) *Agricultural/Residential District (ARD)* at medium to low density with conservation of open space and farmland resources would be appropriate for much of the Town.
- (2) *Hamlet Districts (HD)* allowing for a traditional mix of residential, very small commercial, and community uses in the historic settlements of Richland and Fernwood. This would encourage preservation of the rural character of the hamlets of Richland and Fernwood through adaptive reuse Compatible mixed uses with “good neighbor” performance standards and site design standards could promote attractive, appropriately-scaled development. A Hamlet district is intended to encourage a walkable, small-scale, locally-oriented mix of uses compatible with residential uses that will help sustain traditional village life.
- (3) *Waterfront Business District (WBD)* would allow for a compatible mix of uses both residential and waterfront related while keeping the scale and intensity of uses compatible and complementary.
- (4) *Waterfront Residential District (WRD)* would apply to residential zones in and around waterfront areas including lake and river and cottage areas. The intent would be low impact residential use compatible with sensitive environmental conditions.

- (5) *Village Edge District (VED)* would establish growth areas proximate to the Village with the priority being a diversity of residential uses. This district is intended to help to delineate and preserve Village character as well as the rural character at the edge of the Town which should be maintained through implementation of conservation subdivision practices in areas outside of the VED.
- (6) *Village Historic Districts (VHD 1 and VHD 2)* with design guidelines for historic compatibility and an architectural review board and process would help to encourage and protect investment in these areas of the Village of Pulaski through appropriate design in two resource area categories.
- (7) *Village Commercial District (VCD)* would encourage a centralized mixed commercial area where reuse, and more efficient use, of already developed lands would be encouraged.
- (8) *Industrial District (ID)* would separate industrial uses from the traffic and activity of commercial and residential uses in their own distinct areas making them more suitable and viable for industrial uses.
- (9) *Douglaston District (DD)* Keep as is.

#### Overlay Districts:

- a) *Light Industrial/Commercial Overlay District (LICOD)* can be thought of as a “floating” district that allows for Light Industrial and Commercial Uses where they make sense in the ARD, HD, and VED Districts by Special Permit only, and under district-specific compatibility criteria. Site Plan review would be required and the location of any LICOD overlay determined on a case by case basis by the Planning and Town/Village Boards. It is recommended that Boards practice consultation with County or Regional Planning agencies in locating floating districts.
- b) *Wellhead & Waterfront Conservation Overlay District (WWCOD)* would protect critical public drinking water resources and steep and forested slopes. It would also help to conserve the most ecologically important and developmentally restricted lands in their natural state and for land-extensive and water-dependent open space uses. Lands with slopes of 15% or more within 1,000 feet of Lake Ontario and within 100 feet of the Salmon River, and tributary streams to the lake and river. Single family dwellings and greenway land would be permitted ‘by right;’ in the WWCOD. Uses allowed by special permit would include Lakefront Marina, Recreational facilities, and Community Services. Permits (as determined by the Code Enforcement Officer) would be required for land disturbance so that runoff is conveyed through filtration or vegetated areas during and after development. A lakeshore setback zone of 50’ from the high water mark, along with additional height limitations, erosion and sediment control and open space requirements for new development would help to protect these sensitive areas
- c) *Brennan’s Beach Special District (BBSD)*

*Note:* Hamlets of Pine Grove (just south of Mud Creek, at Rt. 3. - everything on south portion of estuary, excluding State lands) Hamlet of Ramona Beach (from curve on Hagar Drive, to lake and along lake north and south), Hamlet of Rainbow Shores (North and south Rainbow Shores Roads including Rainbow Shores Campground), Hamlet of Port Ontario (Mud Creek crossing Rt. 3 to Rt. 13, Douglaston Manor, to County Rt. 5 including Brown’s landing cemetery to Isthmus into estuary), Hamlet of Selkirk (from the lake, and north along Selkirk Cottage Rd) and Hamlet of Port Ontario (Rt. 3 including three properties from the intersection on west side) – are defined here for geographic purposes and are not included in the recommended Hamlet District Overlay.

**Conservation Subdivision Design** is important to help preserve the rural-agrarian character of Richland as land is subdivided by encouraging traditional neighborhood development patterns rather than suburban

sprawl along the Town's scenic roadways. There many development 'options' that can be used to subdivide land in a variety of lot sizes. Land in a Conservation Subdivision is assessed and taxed on an individual value basis just as land not in a conservation subdivision is assessed and taxed.

For example, parcels of ten acres or less, and parcels being subdivided into three lots or less, can be subdivided without conservation at a minimum lot size of 1 acre. For subdivision of parcels larger than 10 acres, or where more than three lots are being created, a full range of lot sizes from a minimum of 28,000 s.f. can be possible by placing a conservation easement on the most important natural and cultural resources.

Where a conservation option is used, a simple process first identifies the most important natural and cultural resources on a "sketch plan" and the subdivision of the parcel is then designed around the most important resources so they can be protected from future development.

Different 'by right' options are available for land owners to choose from:

**Basic Conservation** determines the number of allowable lots that can be created from the parcel by dividing the total square footage of the buildable land by 80,000 s.f. Individual lots can be created at a range of lot sizes as small as 30,000 s.f. This option requires that 50% of the total buildable land is conserved through easement, so the created lots are located in the other (not conserved) 50%. The conserved land can be farmed, leased, remain in individual private ownership, or be deeded to a homeowners association, land trust or to the Town if the Town agrees. The choice is up to the owner;

**Low Density Subdivision** allows lots to be created in a range of sizes that can be as small as 1 acre without any requirement for conservation land. In this option, the total number of lots allowed is derived by dividing the total square footage of the parcel (including unbuildable land) by 10 acres. The result is the number of allowed lots from the parent parcel, but the new lots can be any size and shape desired, as small as 1 acre. One example would be a 100 acre parcel which could be subdivided into 10 lots (3 lots a 1 acre, 3 lots at 3 1/2 acres, 3 lots at 10 acres, and 1 lot at 56.5 acres).

**Hamlet Conservation** where lots as small as 28,000 s.f. can be created as long as 25% of the buildable land is conserved through a conservation easement. An example of this would be a 6 acre parcel, from which 1.5 acres is conserved through easement, can achieve 7 lots, as long as septic permitting and other standards are met.

Conservation Subdivision is the best tool for preserving rural character while also allowing land owners to achieve full development because it is a much more flexible approach to subdivision of land based on location and the prioritization of natural and cultural resource protection.

#### **Additional Regulations:**

Certain specified uses are more likely to have impacts to surrounding properties including noise, parking, traffic, unsightliness, odors, dust, vibrations, light, and fumes. To help to promote the public health, safety, and compatibility with the immediate neighborhood and the larger community, many types of uses should require a Special Use Permit. Some of these include gas stations, auto repair facilities, accessory dwelling units, home occupations that exceed 'by right' home occupation criteria, and storage or disposal of fertilizers, pesticides/herbicides of 500 pounds or more, or where not in connection with farm operation exemptions. There should also be additional or different criteria for camps, mobile homes, and construction trailers.

A mechanism is recommended to ensure safe and legal rental units in the Village such as a 'Landlord Registry Law'. Specific language to define the term "apartment" is needed.

Requiring screening of dumpsters in visible locations should be explored.

**Prohibited Uses:** These should include municipal, private, and construction and demolition landfills; land application of septage, sludge, or human excreta; disposal, by burial, of any hazardous waste; large quantity generators of hazardous waste; major oil storage facilities; on-site dry cleaning; junkyards and junked car lots.

**Environmental Performance or 'Good Neighbor' Standards:**

A set of standards and requirements that applies to all districts, and all uses, can set specific limits on potentially objectionable conditions that may occur externally to the site of the use. Standards would be intended to reduce the impacts of smoke, gas, dust, odor, noise, light, treated or untreated wastes, vibration, heat or electromagnetic interference, to a reasonable minimum. They would also limit physical hazard by reason of fire, explosion, radiation or any similar cause and regulate traffic in order to prevent hazardous conditions. This regulation should address manure lagoon issues.

**Solar Access:**

To support a limit on local dependence on imported sources of fossil energy; cut greenhouse gas emissions; and reduce the cost of energy for residents, a Solar Energy System Fast Track Permit process (with no fee) should allow expedited, review by the Code Enforcement Officer prior to the installation of solar panels on residential and non-residential buildings, and legal accessory structures on residentially-utilized property. (Recommended Solar Ordinance TBD)

Specific solar ordinance language for large commercial arrays should require a more intense review based on scale. Decommissioning regulations should also be in place.

**Steep Slopes:**

Alteration of areas with slopes exceeding 15% can cause erosion, sedimentation, landslides, and the degradation of water quality. Disturbance of slopes greater than 15% should require permitting with protective measures and best practices for erosion and sediment control and engineering review. Where slopes exceed 25% and are contiguous containing at least 3,000 sq. ft., no disturbance should be permitted, including cutting of vegetation or construction of driveways, except in certain circumstances such as stream bank stabilization, foot trails, utility lines, or in conjunction with timber harvesting pursuant to applicable NYS DEC guidelines, or exempted farm operations.

**Protection of Agriculture:**

Where agricultural uses and other uses unrelated to the agricultural operations abut, applicants for the nonagricultural use should be required to provide buffers (appropriate vegetative screen or berms, woodlands, fences, or natural topographic features) to reduce exposure to odors, noise, and other potential nuisances associated with the agricultural operation.

**Signs:**

Because signs can create dangerous conditions, obstruct vision necessary for traffic safety; confuse or distract drivers; impact the visual environment, adjoining property values, and economic growth; the location, size, quantity, character, and lighting of signs is important. However; certain signs should be possible to erect and be maintained without zoning permits, board review, or fees, provided that they comply with all general regulations. Some of these may include signs not exceeding 1 sq. ft. in area and bearing only property numbers, postal route box numbers, or names of occupants of premises; one sign,

not exceeding 32 sq. ft. in area designating a farm; noncommercial information signs that inform the public; home occupation signs not illuminated or exceeding 3 sq. ft. with appropriate setbacks; non-illuminated "For Sale" or "For Rent" real estate signs; temporary signs for a roadside stand selling agricultural produce grown on the premises in season not exceeding 32 sq. ft. and removed at the end of the selling season. Some other signs that can be allowed (within particular size and other limits) would be those for garage sales, posters, banners, in-progress professional/construction/repair or maintenance services, non-profit events and other uses specified in the Town/Village law.

For signs other than those listed as permitted without review, permits should be required for new signs or proposed changes in size, shape, lighting, materials, or location of an existing sign. No building permit need be required if only the words or images on the sign are changed. To encourage design excellence, sign 'area bonuses' can be allowed so that the maximum sizes for individual signs can be increased 15% or 20% if certain design criteria are satisfied, but sign bonuses should not apply to exempt signs or to freestanding signs that exceed 6 feet in height.

Signs that don't conform with the Zoning Law, but were legally in existence prior to the adoption of the law, would be permitted to continue for five (5) years at which time they must either be replaced by conforming signs that have valid permits, or be removed. Alterations to these signs are only allowed if they increase conformity with the Town or Village Zoning Law. The 5 year period could be extended by a temporary variance granted by the Zoning Board of Appeals if the applicant demonstrates that it is confiscatory as applied to the specific sign. Prohibited signs would include off-premises signs (except with site plan approval); exterior illuminated, flashing, intermittent, rotating, or moving light signs; and portable signs that are mounted on wheels, including motor vehicles or trailers parked in one location for more than 30 days.

#### **Wind Energy Facilities:**

The wind resource in Richland is extremely valuable to the community. To provide for the safe construction and operation of Residential and Community Wind Energy Facilities in the Town, regulations that apply to distributed wind energy facilities can be established with reasonable conditions to protect the environment and public health. Small wind energy facilities with a total rated capacity of up to 20 kW should be permitted by right in all districts. Community Wind Energy Facilities (up to 20 MW) that benefit the Richland/Pulaski community, should be allowable by special permit in all districts, subject to site plan review. Siting setbacks of 2 to 3 times the Wind Turbine Height should be required measured from the property line, public road, or nearest point on the foundation of a non-participating landowner property or occupied building. Agreed upon written and recorded waivers to setbacks can be possible, and installation, design and decommissioning standards should apply.

#### **Site Plan Review:**

Site plan approval is not necessary for agriculture, single-family dwellings, two-family dwellings in Hamlet Districts, accessory apartments in the HD, ARD and VED, and home occupations with no more than 2 nonresident employees and less than 30% of dwelling unit floor space. For most other uses, Site Plan approval should be required by the Town or Village Board upon recommendation from the Planning Board, but can be included as an integral part of the special permit approval process.

Procedures for minor site plans should be simpler than those for major site plans which should require preparation by a licensed professional engineer, architect, or landscape architect. Major subdivisions can be defined as those that create more than 3 lots; or where a public or private street is constructed or required to be widened; or where public improvement is required; or where there will be earthmoving activities beyond what is needed in the construction of a single family dwelling on each lot.

Required information for major site plan review should include: a ‘vicinity map’ which can be a sketch superimposed on a United States Geological Survey or NYS DOT map of the area; an ‘existing conditions’ map showing existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features and mapped ecological and natural resource information from a *Town Map of Potential Conservation Lands* that would be available at the Office of the Town or Village Clerk; and all required site plan information in the law. Agricultural structures with a footprint of over 10,000 sq. ft. can require minor site plan approval, and those with a footprint of 10,000 sq. ft. or less can be exempt from site plan approval requirements.



To encourage best practices are used in site layout and design; landscaping; parking, circulation, and loading, as well as other recommended standards for important things such as exterior lighting, drainage

and aesthetic considerations, a document called 'Smart Development for Quality Communities' can be made available at the Town/Village Clerk's office and specifically recommended as guidance for use by applicants preparing for Site Plan Review. All applicants should be encouraged to reference this document and notified that the Town/Village Board will consider this guidance in application review and approval.

Procedures for site plan approval should include a pre-application conference with the Code Enforcement Official and one person designated by the Planning Board Chair to discuss the nature of the proposed use and to first classify it as a major or minor project. Major projects should require a preliminary conference with the Planning Board, prior to submission, to determine the information that will need to be submitted in the site plan.

An application for area variance may be made to the Zoning Board of Appeals where a proposed site plan contains one or more features that do not comply with the dimensional regulations. SEQRA (State Environmental Quality Review) compliance can be initiated upon receipt of complete application materials. Standard procedure is to hold a public hearing on the site plan along with any necessary agricultural data statement, and county review. In recommending site plan approval to the Town Board, the Planning Board may impose conditions it considers necessary to fulfill the purposes of the Zoning Law. Conditions could include increased dimensional or area requirements, vehicle access points, landscaping, planting or screening, use of 'Conservation Subdivision' design process, and/or requiring performance guarantees.

A public hearing is not generally required for minor project site plans. Minor project site plan application materials can be prepared by a licensed professional engineer, architect, or landscape architect, but this does not need to be required unless the services of such professionals are necessary to provide accurate information or are otherwise required by law. Minor site plans should require a concise description of the project and any changes in the existing topography and natural features; existing features of the site lying within 200 feet; and the proposed location and arrangements of structures and uses on the site. Ingress and egress, parking, circulation of traffic, and a sketch of any proposed structures showing exterior dimensions and elevations, with copies of available blueprints, plans, or drawings should be provided. If the parcel contains a stream, wetland, or floodplain; a copy of the floodplain map and wetland map that corresponds with the boundaries of the property should be required. Complete details on applicability, submission requirements, implementation, revisions, etc. would be contained in the local law.

A sidewalk ordinance is recommended for new developments.

Village storefronts evolve quickly and require a review process that should be expedited where possible. Parking facilities and limits need to be approved carefully as a part of the site plan review process which should encourage compatible shared parking arrangements as allowable.

#### **Nonconforming Lots and Uses:**

A nonconforming lot or use is one that existed, otherwise in conformance with the Town or Village Zoning Law immediately preceding the adoption of the new Law. Such uses and lots of record continue to be eligible (as building lots for purposes of lot area) so long as they otherwise conform to the current law and/or any necessary variances are granted. Nonconforming structures or buildings may continue to exist and be maintained and repaired with some conditions and exceptions. Structural alterations or renovations should not be detrimental to the neighborhood and should first be approved by the Zoning Board of Appeals. The Code Enforcement Officer may permit the work if the projected construction cost of alteration or renovation of a single- or two-family residential nonconforming structure does not exceed

25% of Town/Village assessed value and it does not encroach closer to any property line that triggered the nonconformity than the existing. This is provided that all other Code requirements are met.

Any structure or building declared unsafe by a proper official of the Town or Village should be allowed to be strengthened or restored to a safe condition. Nonconforming structures or buildings can be allowed to be repaired or restored to their former condition after damage by casualty loss or deterioration due to the elements, except where damage involves more than 50% of its market value (as determined by the Code Enforcement Officer based upon input from the Town/Village Assessor).

A nonconforming uses can be allowed to be expanded into any portion of a building that existed at the time of enactment of the new Zoning Law; otherwise, a nonconforming use should not be allowed further expansion or extension. A nonconforming use, if changed to a conforming use, cannot be changed back to a nonconforming use. A nonconforming use of a building, structure or land that has been discontinued for a period of one year, should not be able to reestablish the nonconforming use. Increases in the floor area devoted to an otherwise conforming use should not be allowed to be made if that modification introduces or increases nonconformity of off-street parking requirements.

This law effectively becomes the "Demolition Law" for fire damaged buildings to be razed after a fire when there is insurance compensation to the owner.

### Zoning District Maps Summary Analysis:

The 2004 Town zoning map was updated in 2009, converting a large area of Residential-Recreation 2 (RR2) and Residential-Agriculture (RA) districts to a new Residential Recreation 3 district (RR3), along with minor adjustments to Industrial District (IN). A review was conducted of permitted uses in each of these districts, as well as uses allowed by special permit. Some important potential conflicts with the goals and recommendations of the Town-Village Comprehensive Plan are apparent.

To start, there are specific use differences to consider between RA, RR2 and RR3 that could be better sorted out through a more form-based approach to district regulations.

RA is currently mapped to include the most rural, least populous areas of the Town. The district allows for Garage Sales and Modular Homes which are not allowed in either RR2 or RR3. It allows Road Side Stands and through Special Permit, the following uses that are not allowed in either RR2 or RR3: Enclosed Service and Repair; Flea Market; Quarry, Gravel or Sand Pit; Kennel; Mobile Home Park; Motel; Nursing; Convalescent Home; Personal Service; Service Business.

RA allows the following uses by Special Permit not allowed in RR2: Accessory Use; Business Office; Club; Planned Development; Restaurant; Retail Store/Retail Service; School. The following uses through Special Permit in RA are not allowed in RR3: Air Craft Landing Strip; Animal Hospital; Boarding House; Funeral Home; Home Occupation; Parking Lot; Professional Resident's Office; Religious Institution; Tourist Home.

RR2 is currently mapped in a very limited area along  $\frac{3}{4}$  of the Rt. 5 corridor (approx. 1,000 – 4,000' wide) between Rt. 3 and the Village, and along Rts. 13, 2 and Centerville Rd. east of the Village. The district does not allow Garage Sales or Roadside Stands, but allows for Indoor Recreation and Mobile Home which are not allowed in either RA or RR3, and Lodge, which is allowed in RR3.

RR3 is currently mapped in the scenic, rural open space area along Rt. 13 from the Village westward almost to Port Ontario including six 100+ acre parcels and 4 identified scenic views in the Town. The district does not allow Dwelling Earth Shelter or Factory Manufactured or Modular Home or Garage Sales.

Site Plan Approval allows for Amusement Center, Timeshare, Marina Commercial, Tavern, Educational Center, Shopping Center (small scale), or Storage Building which are not allowed in either RA or RR2, and Accessory Uses, Business Office, Restaurant, Retail Service, Retail Store, School Facility, which are allowed in RA.

Dimensional and lot coverage requirements of RA, RR2 and RR3 are virtually the same with the exception of a lower height restriction of 25' in RR2 as opposed to 35' in RA and RR3. Seven pages of the current regulation comprise use category listings which are unnecessarily complex from the perspective of the user or developer considering what they may or may not be able to do where. Also, as currently mapped and regulated, the three districts (RA, RR2, and RR3) will likely result in increased development along Rt. 13 west of the Village for allowed uses including Amusement Centers, small shopping centers, and Storage Buildings. With 20% lot coverage allowable, this could potentially result in up to 475 acres of development in RR3's approx. 2,400 parcel acres, much of which is currently scenic, productive farmland and open space along Rt. 13.

Along with RA and RR2 allowable Air Craft Landing Strip; Animal Hospital; Boarding House; Funeral Home; Home Occupation; Parking Lot; Professional Resident's Office; Religious Institution; and Tourist Home; Lake Rd. and Rts. 13, 2 and Centerville Rd. east of the Village encourages Mobile Homes and Indoor Recreation uses. The most rural, least populous areas of the Town, in RA, are the designated location for Enclosed Service and Repair; Flea Market; Quarry, Gravel or Sand Pit; Kennel; Mobile Home Park; Motel; Nursing; Convalescent Home; Personal Service; and Service Business.

All of the above uses and associated development can be better located in the Town through a required **Site Plan Review** processes; appropriate **Form-Based Code** that addresses building form, massing, proportion and location; and **Conservation Subdivision Design (CSD)** process that locates development on a site optimally to protect scenic views and sensitive lands while allowing full development rights of each parcel to be achieved. These techniques constitute a more flexible and easier to use zoning code that ensures both needed protections for existing property owners and sensitive environments, as well as the needs of developers who know best what suits them.

Applying CSD process Town-wide for all projects other than Minor Subdivisions (as defined in these recommendations), designating a new Waterfront Business District (WBD) in the area around Port Ontario and Selkirk that allows for compatible development with site plan review, and delineating the rural edge of the village with a Village Edge District (VED) is recommended. The VED will encourage residential settlement in close proximity to the Village. Opportunities for varied types of non-industrial development in the VED, where appropriate and compatible with neighborhoods and according to required site plan review, will help to relieve roadside development pressure and suburbanization (sprawling development) in areas the community has identified as valued open space with scenic views.

Some district areas on the Updated Zoning Map Recommendations remain as they have been in the past, indicating a few added parcels most appropriate for similar uses. The Hamlets of Richland and Fernwood have unique qualities of traditional building form and placement, parking, uses, and street trees. These qualities can be preserved through carefully crafted overlay specifications addressing allowed densities, 'build-to' lines, and other defining characteristics unique to each hamlet's traditional form. For example, a hamlet overlay would encourage 2 or 3 story buildings on smaller lots and require sidewalks as a component of hamlet development to enhance 'walkability'. Hamlet character can be rapidly lost to suburbanization with 1 story ranch houses spread out on large lots. Country homes, where open space is plentiful, can still be developed beautifully through the CSD process all across the Town.

### **Subdivision Regulation Summary:**

Minor lot alterations should be approved through application process to the planning board within 62 days. This should be true for things such as a lot line adjustment where lots are consolidated into fewer lots; where they don't increase non-conforming use or new roads or other infrastructure; and where a transfer of land is made from one property owner to another along adjacent lots with the simple adjustment of existing property lines.

The subdivision of land is not considered a minor alteration and can require four steps: 1. Sketch Plan Review; 2. Preliminary Plan Application, Review and Planning Board Approval; 3. Final Plat Application and Planning Board Review; 4. Final Plat Town Board Review, Approval and Filing. In order to prevent an accumulation of roadside parcels through repeated Minor Subdivision of land over time, road access control can limit the proliferation of driveways along roads and associated safety issues. Access control should limit the number of new curb cuts on any tract to one for minor subdivisions, and two for major subdivisions in any ten-year period. Two frontage lots can be allowed to be created as long as they are at least 50 feet apart and served by a common driveway between them accessing 2-4 homes. After the fourth home a subdivision street would be required (the common driveway would be built like a town road in terms of sub-base and base, but need not be asphalted until the fifth house is built, at which time it would become a town road).

### **Conservation Subdivision Design (CSD) Example Options and Process:**

Goals of the Town of Richland/Village of Pulaski Comprehensive Plan include the conservation of open land, including agricultural soils, woodlands, steep slopes, streams, floodplains, wetlands, scenic views, and potential recreational trails. It is also important to provide for a diversity of building lot sizes and housing choices to accommodate a variety of age and income groups and residential preferences. CSD process allows flexibility in site design, increases efficiency for services and infrastructure, and can save both property owner and taxpayer dollars. This is possible due to the opportunity to reduce length of new roads, utility runs, and the amount of paving required for residential development.

For subdivision of parcels that are 10 acres or less, a minimum lot size of 1 acre can be required unless a property owner chooses to use the CSD process. The CSD process can allow three different "by-right" development options with lot size minimums of 28,000, 30,000 or 43,560 square feet, and should be required for all "Major" subdivisions. Major subdivisions are those that create more than 3 lots; or where a public or private street is constructed or required to be widened; or where public improvement is required; or where there will be earthmoving activities beyond what is needed in the construction of a single family dwelling on each lot.

A property owner can determine their options for subdivision of a parcel by answering the following 3 questions that will guide a landowner in how the parcel can be subdivided:

*Question 1: Is the parcel 10 acres or less?*

If Yes, single-family detached dwellings are permitted under the dimensional and density standards in the zoning law. The following options are allowed:

**Standard Platting (for 'Minor Subdivision')** at 1 acre lot size and no required conservation land, or

**Option One** – Basic Conservation (below)

**(if in a Hamlet District) Option Three** – Hamlet Conservation (below)

If No, single-family detached dwellings are permitted under the dimensional and density standards in the zoning law. The following options are allowed:

**Option One** – Basic Conservation (see below), or

**Option Two** – Low Density (see below)

**And (if no more than 3 lots are created) Standard Platting** at 1 acre minimum lot size with no required conservation land

*Question 2: Are more than three lots being created?*

If Yes, **Option One** – Basic Conservation (below) is allowed, or

**Option Two** – Low Density (below)

(Where more than three lots are being created, the primary conservation lands must be identified on the parcel according to the ‘Town Map of Potential Conservation Lands’)

If No, **Option One** – Basic Conservation (below) is allowed, or

**Option Two** – Low Density (below), or

**Standard Platting** at 1 acre minimum lot size with no required greenway land

*Question 3: According to the Town/Village Zoning Map, is the parcel also located in one of the Overlay Districts?*

If Yes, See the appropriate Section of the Zoning Law for Overlay Zone regulations

**Some examples of what each of the (major) subdivision options allows are as follows:**

1. **Option One: Basic Conservation**

This is a medium density subdivision option for residential uses. The number of allowable lots is calculated by dividing the total ‘buildable acres’ by 80,000 square feet. Conservation lands are designated by permanent easement on 50% of the tract, and lot sizes created on the other 50% are flexible so that properties may be sized and shaped to correspond with the terrain and other site features like woodland edges. The lots created can be at a variety of sizes above 30,000 square feet each, but usually average in the range of 30,000 - 40,000 sf.

***Formula to determine how many lots can be created: ‘Buildable Acres’ (total square footage of the parcel minus unbuildable land) ÷ 80,000 square feet = total number of lots allowed***

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***Example A:*** If the total parcel size is 54 acres and the ‘Buildable Acres’ = 50 acres (2,178,000 square feet) ÷ 80,000 square feet = 27 Lots. So the property owner can subdivide up to 27 lots, at least 30,000 square feet each, on half of the total buildable acreage with a conservation easement on the other half of the buildable acreage.

*If the total parcel size is 54 acres and the ‘Buildable Acres’ = 50 acres (2,178,000 square feet, a parcel owner might choose to develop any combination of lot sizes desired above 30,000 s.f. as long as 50% of the buildable acres is conserved through easement. Here are some of the many ways the parcel could be subdivided using the Option One formula:*

(13 Lots) at 80,000 sf. each, with 50 percent conservation land; or

(27 Lots) at 40,000 sf. each, with 50 percent as conservation land; or

(18 Lots) 60,000 sf. each, with 50 percent as conservation land; or

(21 Lots) with 4 at 30,000 sf. each, and 17 at 57,000 sf. each, with 50 percent conservation land

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***Example B:*** If the total parcel size is 20 acres and the ‘Buildable Acres’ = 18.5 Acres

18.5 x 43,560 (1 acre) = 805,860 square feet ÷ 80,000 = 10 Lots. So, with half of the total (9.25 acres) placed under conservation easement, a parcel owner may choose to develop on the other half of the parcel, up to 10 lots at any combination of lot sizes desired, at least 30,000 s.f. each:

(10 Lots) at 40,200 sf. each; or  
(8 Lots) with 3 at 60,000 sf. each, and 5 at 44,000 sf. each; or  
(7 lots) with 1 at 30,000 sf., 2 at 60,000 sf., 3 at 42,000 sf., 1 at 126,930 sf.; or  
(5 Lots) at 80,000 sf.

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***\* For Examples A and B above, the land under conservation easement may remain separate or be deeded as a part of any of the lots.***

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## **2. Option Two: Low Density**

This is a low density option for small farms, woodlots, or estate homes. No conservation land is required and lot sizes may range from a minimum of 1 acre to parcels of 30 or more acres. The number of allowable lots is calculated by dividing the total parcel acreage (not excluding unbuildable land) by 10 acres (435,600 s.f.). Lot sizes are flexible so that created lots may be sized and shaped as desired. Up to two additional dwellings are permitted as 'accessory units' and private gravel access roads (country lanes) are allowed.

***Formula to determine how many lots can be created: Total Parcel Acres (square footage) ÷ 435,600 square feet = total number of lots allowed***

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***Example A:*** If the total parcel size = 50 acres (2,178,000 square feet) ÷ 435,600 square feet = 5 Lots. So the property owner can subdivide the total parcel into a maximum of 5 lots, and the lots can be of any size and shape, as long as they are at least 1 acre.

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***Example B:*** If the total parcel size = 50 acres, a parcel owner might choose to develop 5 lots in any combination of lot sizes desired at a minimum of 1 acre. Here are some of the many ways the parcel could be subdivided using the Option Two formula:

(5 Lots) at 10 acres each.; or  
(5 Lots) with 3 at 4 acres each, plus 2 at 19 acres each; or  
(5 Lots) with 4 at 3 acres each, plus 1 at 38 acres; or  
(5 Lots) with 3 at 1 acres each, plus 1 at 13 acres, plus 1 at 34 acres; or  
(5 Lots) with 4 at 1.5 acres each, plus 1 at 44 acres

[If the total parcel is 100 acres, 10 Lots would be allowed at any combination of lot sizes of 1 acre or larger]

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## **3. Option Three: Hamlet Conservation**

This option allows for increased densities in a Hamlet District where a mix of uses and a walkable community is desirable. Design standards are recommended within Hamlet Districts to encourage Traditional Neighborhood Development in terms of scale, placement of buildings, parking, sidewalks and street trees.

Allowed uses of conservation lands in a Hamlet District should include agriculture or horticulture, raising of crops or livestock [excluding commercial swine, poultry, mink and other livestock producing highly offensive odors], wholesale nurseries, associated buildings, farm markets, pasture, woodland, field, village green, park, and non-commercial recreation areas.

Standard platting (for 'Minor Subdivision') can be allowed on parcels of 10 acres or less in a Hamlet District with a minimum lot size of 1 acre. Parcel owners of 10 acres or less may choose standard platting, or 'Option Three - Hamlet Conservation' where 25 percent of the 'Buildable Acres' of the

parcel is placed in a conservation easement, and a minimum lot size of 28,000 sf. is allowed on the rest of the parcel. This option can provide enough land for on-site septic and wells and incentivizes conservation for parks, public spaces, and greenway type development such as farm markets, community gardens, and walking trails in the Hamlets.

For parcels over 10 acres in the Hamlet District, both Options 1 and 2 (above) are allowed as in the examples shown above.

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***Formula to determine how many lots can be created With Conservation Easement:***

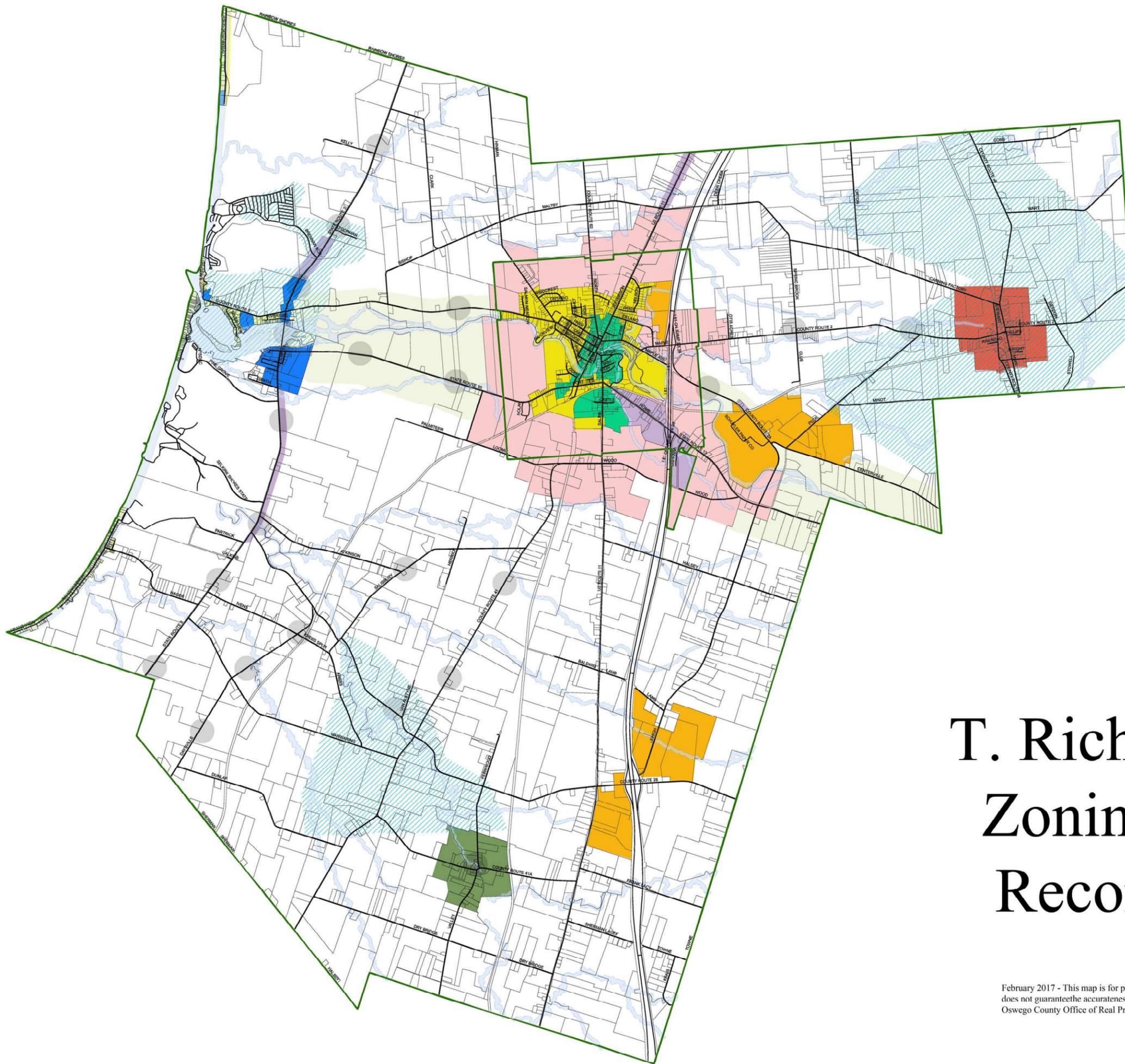
*'Buildable Acres' (total square footage of the parcel minus unbuildable land) ÷ 4 = Conservation Easement Area Required*

***Example C:*** *Buildable Acres = 6 acres (261,360 square feet) ÷ 4 = 65,340 s.f. (this is the 1/4 of the parcel that needs to be placed under conservation easement. The remaining 3/4 of the total buildable acreage can then be subdivided into lots at a minimum size of 28,000 square feet). So, 196,020 s.f. (the other 3/4) ÷ 28,000 = 7 Lots, or*

***Example D:*** *Buildable Acres = 9 acres (392,040 square feet) ÷ 4 = 98,010 s.f. (this is the 1/4 of the parcel that needs to be placed under conservation easement. The remaining 3/4 of the total buildable acreage can then be subdivided into lots at a minimum size of 28,000 square feet). So, 294,030 s.f. (the other 3/4) ÷ 28,000 = 10 Lots*

***\* For Examples C and D above, the land under conservation easement may remain separate or be deeded as a part of any of the lots.***

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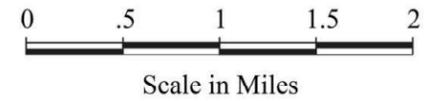


**Districts:**

- Village Edge District (VED)\*
- Industrial District (ID)
- Village Commercial District (VCD)
- Village Residential District (VRD)
- Mixed Use District (MUD)
- Waterfront Residential District (WRD)
- Waterfront Business District (WBD)
- Richland Hamlet District (RHD)\*
- Fernwod Hamlet District (FHD)\*
- Douglaston District (DD)
- Ag/Residential District (ARD)\*

**Overlays:**

- Historic Overlay District 1 (HOD1)
- Historic Overlay District 2 (HOD2)
- Wellhead & Waterfront Conservation Overlay District (WWCOD)
- \* Light Industrial/Commercial Overlay "Floating" District (LICOFD)
- Scenic Views



(Draft)

# T. Richland/V. Pulaski Zoning Map Update Recommendations

February 2017 - This map is for planning purposes only. The CNY RPDB does not guarantee the accurateness of this map. Base map provided by Oswego County Office of Real Property Tax Services 2016.

