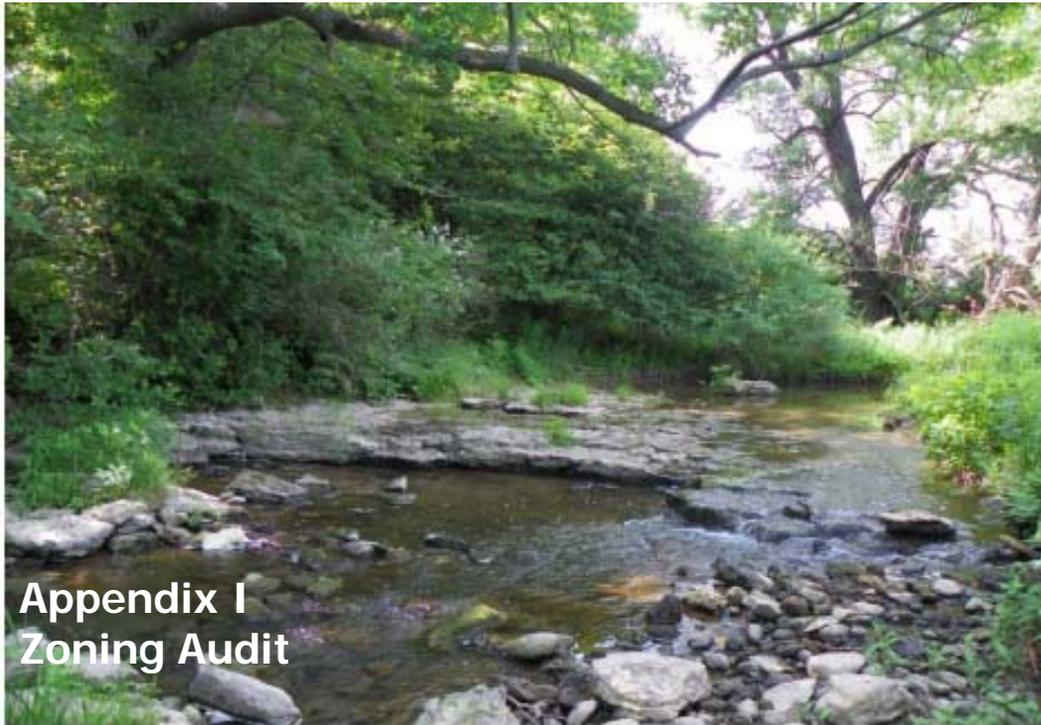


## Appendix I: Zoning Audit





## Appendix I Zoning Audit

Great Brook bedrock - Photographer: Larry Fisher

### Zoning Audit – Green Infrastructure

The purpose of this section is to identify some aspects of the existing zoning code that hinder the protection of the natural systems in Victor. These shortfalls do not all translate into strategies identified later in this chapter as prominent community priorities. However, the community should watch nonetheless for opportunities to resolve the conflicts identified in this audit when undertaking zoning revisions.

- > Sketch plans should be required as a critical phase of the site plan review process. This provides an opportunity to discuss the project, planning board requirements, and possible issues early in the process before large investments have been made on the part of the applicant. This need should be addressed in conjunction with the implementation of a Green Infrastructure Planning and Review process called for in Strategy No. 4 in this chapter.
- > Conservation subdivision standards should be included in the subdivision code. The 50 percent open space requirement is not clear or comprehensive enough. This need should be addressed in conjunction with the implementation of a Green Infrastructure

Planning and Review process called for in Strategy No. 3 in this chapter.

- > §184-16 A outlines the requirements for preserving natural features in subdivisions. The description needs to be stronger and more comprehensive. This need should be addressed in conjunction with the implementation of a Green Infrastructure Planning and Review process called for in Strategy No. 4 in this chapter.
- > A large area of wetlands is industrially zoned. This sets up an unrealistic expectation for this land and it should be rezoned to a more appropriate designation.
- > Add a clear set of procedures. The text of the site plan section does not set out a clear pathway for the process. This need should be addressed in conjunction with the implementation of a Green Infrastructure Planning and Review process called for in Strategy No. 4 in this chapter.
- > Related procedural issues:
  - > §211-31 D allows the Planning Board to choose between site plan review standards described in NYS Town Law or those enumerated in this section. They should always clearly be required to use the ones described in this section.
  - > §211-17 A (2) states that the Zoning Board of Appeals reviews special permitted use applications conflicts with §211-9, which gives the Planning Board review authority over special use permit applications.
    - > Clarify that appeals from planning board decisions related to site plan are taken to the State Supreme Court in an Article 78 proceeding. There is no local board with power to overrule a planning board determination.

### **Zoning Audit – Agriculture**

The purpose of this section is to describe some of the items in the existing zoning code that hinder the protection of farming and agricultural resources in Victor. The results of a corresponding audit completed with respect to green infrastructure are included in the following chapter.

These are not all of the changes needed in the zoning and these shortfalls do not all translate into strategies later in this chapter. However, in addition to those strategies, which are community priorities, this audit should be reviewed before undertaking any zoning revisions.

#### §211-12 B – Definitions

- > The definition of ‘agricultural operations’ is too narrow. This is the key definition for what is allowed in the different districts and so it must be broader.
- > Other agricultural definitions are needed, such as ‘farm stand’, ‘agritourism’, ‘agribusiness’, etc.

§211-18 gives the purpose of the residential districts. R-3 is the only one that mentions agricultural operations, yet all three residential districts allow agricultural operations. As described above, none of these districts has density attached to it, which is an important component in protecting agriculture.

#### §211-22 Parking requirements.

There is no parking requirement listed for agricultural operations or farm stands. Presumably the planning board has the authority to establish parking standards for those not listed, but it is not clear. Otherwise, a variance may be needed. Agricultural operations and other farm uses should be listed.

There is no “Right-to-Farm” ordinance in place.

### **Zoning Audit – Open Space**

Similar to corresponding sections in previous chapters, this section describes some of the items in the existing zoning code that hinder the protection of open space in Victor. These are not all of the changes needed in the zoning and these shortfalls do not all translate into strategies later in this chapter. However, in addition to those strategies, which are community priorities, this audit should also be reviewed before undertaking any zoning revisions.

#### §211-12 B – Definitions

- > The definitions of ‘green space’ and ‘open space’ are inadequate.

Zoning district descriptions. The descriptions of the different districts, with the exception of the Limited Development District (LD), do not include densities. Those are provided in a different section. They need to be unified with the district descriptions.

None of the three residential districts has density attached to it, which is an important component in managing growth and protecting open space.

§211-22 requires that 35 percent of a project be left as green, but it allows parking lot landscaping to count as green space. This is not appropriate and sets a bad precedent for the tallying of open space in other districts. There should be green parking lot design standards, which are not included as part of the 35 percent.

§211-25 establishes a floating district for multiple dwelling units, which could increase density in some areas, which is good. However, the regulation prohibits other uses, which means that small shops and other components of a good hamlet or traditional neighborhood design are not allowed. Different zoning districts have different requirements for open space. They should be consistent or any differences should be explained.

§211-27 The Planned Development District regulation lacks sufficient standards to protect community goals. There are no density standards, no neighborhood design standards, no open space standards and no environmental protection standards. A planned district development is supposed to allow creativity, but within parameters established by the community. The current regulation could easily become a loophole to allow any kind of development at any density. This is an important issue given the number of PDDs around the town.

As was already noted in the preceding chapter focused upon green infrastructure, the requirement for a sketch plan should be added as a critical phase of the site plan review process. The recommendation is equally applicable here as it provides an opportunity to discuss the project, planning board requirements, and possible issues early in the process before large investments have been made on the part of the applicant. The preceding chapter also that the text of the site plan section does not set out a clear pathway for the process.

§211-22 Parking requirements. As is typical in many suburban areas, the Victor code requires too many parking spots, which largely remain empty.

There are no design standards to "green" parking areas.

§211-46 The open space requirement for developments needs to be expanded and clarified as to the kinds of space that count towards the 50 percent requirement.