

ARTICLE VII: VARNA – Article VII is to be replaced in its entirety by the following:

Section 700: Purpose

The purpose of Article VII of this zoning law is to provide the structure and rules for development in accordance with the Varna Community Development Plan (VCDP) as adopted. This Article creates distinct zones and a Traditional Neighborhood Overlay within the hamlet of Varna, along with rules relative to maintaining form in an effort to implement the goals set forth in the Varna Community Development Plan.

Section 702: Applicability

This article applies only to the three zoning districts that are within the Hamlet of Varna: The Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD). Development within these zones is based on the descriptions in the Varna Community Development Plan as adopted as an amendment to the Town Comprehensive Plan.

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Section 703: Definitions

Refer to the purpose and goals listed for each district in the definitions (Article III) for the Varna Hamlet Mixed Use District (VHMUD), Varna Hamlet Residential District (VHRD), and the Varna Hamlet Traditional District (VHTD).

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Section 704: Design Guidelines and Standards

All development and re-development of Lots and property in Varna shall comply with the Varna Design Guidelines and Landscape Standards, including:

- A. Landscape Design. Any proposed development or re-development subject to a building permit or review under this Law shall include a landscape and planting plan that includes:
 - 1. A map or sketch of existing vegetation to be retained or removed.
 - 2. A detailed landscape plan that includes a list of the number, type and location of proposed vegetation.
 - 3. A narrative or drawing demonstrating how the development or re-development will preserve open space and existing natural features including mature trees, tree canopies, land forms, existing topography and vegetation.
- B. Streetscape and Sidewalk Design. Any proposed development or re-development subject to a building permit or review under this Law shall include plans for sidewalks or pedestrian paths that contribute to the goal of a unified pedestrian network in Varna. Any such proposed development or re-development shall include a streetscape and sidewalk plan that includes:
 - 1. A map or sketch and list of dimensions of proposed pedestrian paths, sidewalks, and trails.

2. A map and sketch detailing streetscape amenities including lighting, sidewalk furniture (such as benches and refuse containers), signage, and a maintenance plan for such amenities, including provisions for snow removal.
3. Any proposed development or re-development along Route 366 requires sidewalks.

C. Building and Architectural Detail.

1. No proposed Building shall exceed 40 feet in height.
2. Any proposed development shall be designed to preserve, as much as practicable, the existing views and line of sight of existing buildings and neighboring properties.

D. Streets and Parking.

1. Any proposed development shall provide a circulation plan in and around the development for pedestrians, vehicles, and cyclists which includes a detailed map showing:
 - a. Proposed roads, trails and cyclist paths.
 - b. The connection of proposed roads, trails and cyclist paths to existing public highways.
 - c. Circulation patterns including points of ingress and egress.
 - d. The dimensions of any proposed roads, trails and cyclist paths.
 - e. The location of any proposed curbcuts to Route 366.
 - f. The location and number of proposed parking spaces.
2. New roads should be designed and located to preserve existing topography, as much as practicable.

Section 705: Varna Use Regulations

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All uses in Varna shall comply, to the maximum extent practicable, with the Varna Design Guidelines and Landscape Standards.

- A. Planning Department Report. No application shall be deemed complete without a written report by the Planning Department detailing the extent to which the application complies with the Varna Design Guidelines and Landscape Standards.
 1. For applications which require either Town Board approval or Planning Board approval, such report shall be considered part of the application and subject to review by the respective Boards.
 2. For applications which require only a Building Permit, such report shall be

completed prior to the issuance of a Building Permit.

B. No structure or land in Varna shall be used except as provided in the Allowable Use Groups Chart in subsection D below. Uses which are not explicitly permitted are prohibited, unless specifically stated elsewhere in this Law.

C. Building Sizes:

1. In the Varna districts, no Use shall include a Structure larger than 5,000 square feet without a Special Use Permit.
2. All exemptions in Section 603 shall also apply in Varna.

D. Allowable Use Groups Chart. In the following:

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“P” means the use is allowed as of right, but in many cases requires Site Plan Review;
 “SPR” means this use requires Site Plan Review;
 “Special Use Permit” or “SUP” means the use requires a Special Use Permit;
 “X” means the use is not allowed in that particular district.

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Agricultural Use	P	P	P	None
Farmstand	P	P	P	None
Artist Studio/Craft Workshop	SPR	X	SPR	1/8 Acre
Automotive Repair Garage	SPR	X	X	1 Acre
Bed And Breakfast Establishment	SPR	SPR	SPR	None
Boarding House	SPR	SPR	SPR	¼ Acre
Day Care Center	SPR	SPR	X	1 Acre
Gasoline Station	SPR	X	X	2 Acres
General Office Building	SPR	SPR	X	1 Acre
Hotel/Motel	SPR	X	X	1 Acre
Industry, Light	SUP/SPR	SUP/SPR	X	2 Acres
Inn	SPR	SPR	SPR	½ Acre
Nursery/ Greenhouse, Retail	SPR	SPR	X	1 Acre
Professional Office	SPR	SPR	SPR	None
Restaurant	SPR	X	X	None
Retail Business	SPR	X	X	None

Retail shopping center/plaza	SPR	X	X	2 Acres
Retreat/Conference Center	SPR	SPR	X	2 Acres
Service Business	SPR	X	X	None
Theater	SPR	SPR	X	1 Acre

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Bed and Breakfast, Home	SPR	SPR	SPR	None
Congregate Care Facility	SPR	SPR	X	1 Acre
Day care home, Family	SPR	SPR	SPR	None
Day Care, Family Group	SPR	SPR	SPR	None
Dwelling, accessory unit (See § 1311)	SPR	SPR	SPR	None
Dwelling, multi-family	SPR	SUP	SUP	1 Acre
Dwelling, single-family	P	P	P	None
Dwelling, two-family	SPR	SPR	SPR	10,000 square feet
Dwelling, upper-floor apartments	SPR	SPR	SPR	None
Elder Cottages	See Section 1305	See Section 1305	See Section 1305	None
Home Occupation: Level 1	P	P	P	None
Home Occupation: Level 2	P	SPR	SPR	None
Manufactured Home	X	X	X	None
Manufactured Home Park	X	PUD	X	5 Acres
Senior Housing	SPR	SPR	SPR	1 Acre
Senior Care Facility	SPR	SPR	X	2 Acres
Workshop/Garage – Non-Commercial	P	P	P	None
Educational Use	SPR	SPR	X	None
Library	SPR	SPR	X	1 Acre
Lodge or Club	SPR	SPR	SUP	2 Acres
Municipal Use	SPR	SPR	X	None

Public Safety	SPR	SPR	X	½ Acre
Public Utility	SUP	SUP	SUP	½ Acre
Religious Institution	SPR	SPR	SUP	None
Recreation, Active	SPR	SPR	X	1 Acre

Allowed Principal Uses	Varna Hamlet Mixed Use District (VHMUD)	Varna Hamlet Residential District (VHRD)	Varna Hamlet Traditional District (VHTD)	Minimum Lot Size
Recreation, Passive	SPR	SPR	SPR	None
Recreation Facility, Amusement	SPR	SPR	X	2 Acres
Recreation Facility, Athletic	SPR	SPR	X	2 Acres

Section 706: Varna Density Table

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All residential uses in Varna are subject to the maximum number of Dwelling Units per area set forth in the following Varna Density Table.

Development type	Mixed Use (requires commercial) ¹	Residential ²	Traditional
Single Family Home	8	8	4
Duplex (Rental)	8	6	2
Townhouse	8	6	X
Condominium	8	6	6
Rental Apartments	8	4	X
Senior Housing	10	8	X
Residential over Commercial	8 d.u. per 2,000 square feet ¹	X	X
Multi Family Rental- Detached Units	X	X	X
	1- Developments with > 9 units must have 2000 sq. ft. of commercial for each 10 units. These may be phased in over time.	2- Multi-family units limited to covering no more than 40% of the acreage remaining after removing the open space land.	

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Section 707: Required Green Space Table

All uses in Varna shall incorporate the amount of Green Space set forth in the following table.

Varna District	Required Green Space
Varna Hamlet Mixed Use District (VHMUD)	40% of Lot
Varna Hamlet Residential District (VHRD)	60% of Lot
Varna Hamlet Traditional District (VHTD)	70% of Lot

Section 708: Area and Bulk Table

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The following table includes the minimum requirements for a building lot. Unless otherwise indicated this table does not indicate the number of lots that can be created from a parcel.

	VHMUD, VHRD and VHTD
Minimum front yard setback	10 feet
Minimum side yard setback	None or 7.5 feet if buildings are not attached
Accessory Building with less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum rear yard setback	25 feet
Accessory Building less than 15 feet Building Height and 200 square feet or less	1 foot
Minimum Lot Frontage	45 feet

A. Multi-family units in VHRD are limited to covering no more than 40% of the acreage remaining after removing the open space land from consideration.

B. A conservation zone buffer shall be established of a 100 ft buffer from the normal high-water bank of Fall Creek in which no landscape alteration or construction shall occur. The width of this buffer shall be extended to include the designated FEMA designated 100-year flood plain. The importance of a buffer to protect Fall Creek is described in the Dryden Natural Resource Plan, and the Dryden Open Space Inventory, along with the importance of protecting the Designated Scenic Recreation River section of Fall Creek which begins a short distance downstream.

Section 709: Green Neighborhood Development

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New structures shall conform to either the most recent Varna/Dryden Neighborhood Development standard, after its adoption, or the latest LEED standards prior to this adoption, both with an emphasis on maximizing energy conservation. Every use in the Varna Density Table in Section 703 except "Single-family home" and "Duplex" is required to meet the above standard. The Varna/Dryden Neighborhood Development standard will specify the required number of points; prior to its adoption, developments are required to achieve 40 points under the most current basic LEED Neighborhood Development certification.

Deleted: In addition to the density permitted in the Varna Density Table in Section 703, a density bonus may be awarded if a Neighborhood Development proposal achieves at least basic LEED certification (40 points) according to the 2009 LEED Neighborhood Development protocol. (... [1])

Section 710: Planned Unit Development

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Planned Unit Development (PUD) —An area of land intended to provide for a variety of land uses and structures which shall include both commercial and residential planned and developed in a manner which will provide a community design that preserves critical environmental resources, provides above-average Open Space amenities, incorporates creative design in the layout of Structures, Green Space and circulation of vehicles and pedestrians; assures compatibility with surrounding land uses and neighborhood character; and provides efficiency in the layout of highways, public utilities and other Municipal Facilities. Planned Unit Developments best serve as nodal areas connected to and/or serving several adjoining neighborhoods.

A Planned Unit Development (PUD) shall be developed in accordance with the provisions in Article X.

In addition to the density permitted in the Varna Density Table in Section 703, a density bonus may be awarded if a Neighborhood Development proposal achieves at least basic LEED certification (40 points) according to the 2009 LEED Neighborhood Development protocol.

707: Redevelopment; Additional Density

In addition to the density permitted in the Varna Density Table in Section 703, a density bonus may be awarded Redevelopment of existing tax parcel(s) according to the table in Section 703. For purposes of this section a tax parcel shall be determined according to the 2012 final assessment toll. The Redevelopment Bonus may be computed on either a per acre or tax parcel basis, whichever produces the largest bonus.

In addition to the density bonus provided in subsection (A) above, an additional density bonus may be awarded if Redevelopment of an existing tax parcel achieves at least a basic LEED certification.

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Section 708