

**LOCAL LAW No. \_\_\_\_\_ of 2020**

**A LOCAL LAW AMENDING TOWN OF DRYDEN ZONING LAW ARTICLE III (DEFINITIONS); ARTICLE IV (ZONING DISTRICTS), ARTICLE VII AND ARTICLE IX (SECTION 909(B)) REGARDING THE VARNA HAMLET**

**SECTION 1. AUTHORITY.** This Local Law is enacted pursuant to the statutory authority conferred on the Town of Dryden by Municipal Home Rule Law Section 10, and New York Town Law Section 264.

**SECTION 2.** Article III, Article IV and Article VII of the Town of Dryden Zoning Law are hereby amended as follows:

**“ARTICLE III: DEFINITIONS.**

**Dwelling- Condominium** – The term condominium refers to a system of ownership and administration of property with three main features. A portion of the property is divided into individually owned units, the balance of the property is owned in common by all the individual owners and a vehicle for managing the property, known as the condominium corporation, is established.

**Dwelling – Townhouse or townhome** – A single-family dwelling that shares one or more walls but no ceiling-floor connection with other dwelling unit or units.

**Green Space** – Areas of vegetated and permeable surfaces of a development not occupied by Structures or Paved areas for vehicles and including formal stormwater management facilities (no more than 20% of total Lot Area) as well as green infrastructure stormwater facilities (Open Space set aside, swales and 60% of the area of a green roof if not accessible by or visible to the public), and including parks, dedicated open space, landscaped areas, plantings, lawns, parking lot islands, green roofs, and sidewalks or trails used exclusively to access these areas, including Accessory Structures (e.g. gazebos or similar structures) accessible to the public and intended to enhance the Green Space.

**Lot Consolidation** – A Lot Consolidation is used to combine two or more existing parcels. Lot Consolidations erase parcel lines so that fewer parcels remain.

**Lot Line Adjustment** – The adjustment of one or more Lot Lines between two or more existing and adjoining Lots which does not result in the creation of one or more new Lots.

**Story** – Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the next floor above is

1. more than 6 feet above grade plane, or
2. more than 12 feet above the finished ground level at any point.

**VHMUD – Varna Hamlet Mixed Use District**

The purpose of the Varna Hamlet Mixed Use District (VHMUD) is to foster new and redevelopment of existing properties while retaining the traditional character of buildings, as well as the hamlet character found in Varna and described in the Varna Community Development Plan. The purpose includes Traditional Neighborhood Design as defined in Article III of the Dryden Zoning Law, and commercial development of vacant lots, including the combining of lots and rehabilitation of existing buildings.

#### **VHRD – Varna Hamlet Residential District.**

The purpose of the Varna Hamlet Residential District (VHRD) is to foster development of new residential neighborhoods including a variety of dwelling units as outlined in the density table at Section 704.

#### **VHTD – Varna Hamlet Traditional District**

The purpose of the Varna Hamlet Traditional District (VHTD) is to foster development that is deeply attentive to the environmentally sensitive areas of the district, and is intended to have lot sizes and a limited amount of development that is sensitive to these resources. The purpose of this district is aimed at achieving a traditional neighborhood with lower density and including a conservation buffer from the banks of Fall Creek (see Article VII, Section 706(B)).

### **ARTICLE IV: ZONING DISTRICTS**

#### **Section 402: Boundary Determinations**

- H. Special Condition of one Parcel that is situated in Two Zones. Except in the VHMUD, VHRD, and VHTD, when a parcel is divided by a zoning district boundary, the regulations and requirements of the least restrictive zone may be extended for a distance of 100 feet into the more restrictive zone.

### **ARTICLE VII: VARNA**

#### **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 in an effort to implement the goals set forth in the Varna Community Development Plan.

#### **Section 701: Applicability**

This Article applies only to the three zoning districts that are within the Hamlet of Varna: the Varna Hamlet Mixed Use District (VHMUD), the 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. Refer to the purpose and goals listed for each district in Article IV.

## Section 702: Design Guidelines and Standards

All development and redevelopment of Lots and property in Varna shall to the maximum extent practicable comply with the Varna Design Guidelines and Landscape Standards, including:

- A. Landscape Design. Any proposed development or redevelopment 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 redevelopment 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 redevelopment 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 redevelopment 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 redevelopment 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 cyclists 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 703: Varna Use Regulations**

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 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 and Exemptions:
  1. Building Sizes: 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 Allowable Use Groups Chart:

“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.

<b>Allowed Principal Uses</b>	<b>Varna Hamlet Mixed Use District (VHMUD)</b>	<b>Varna Hamlet Residential District (VHRD)</b>	<b>Varna Hamlet Traditional District (VHTD)</b>	<b>Minimum Lot Size</b>
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
<b>Allowed Principal Uses</b>	<b>Varna Hamlet Mixed Use District (VHMUD)</b>	<b>Varna Hamlet Residential District (VHRD)</b>	<b>Varna Hamlet Traditional District (VHTD)</b>	<b>Minimum Lot Size</b>
Theatre	SPR	SPR	X	1 Acre
Bed and Breakfast, Home	SPR	SPR	SPR	None

Congregate Care Facility	SPR	SPR	X	1 Acre
Daycare Home, Family	SPR	SPR	SPR	None
Daycare, 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
<b>Allowed Principal Uses</b>	<b>Varna Hamlet Mixed Use strict (VHMUD)</b>	<b>Varna Hamlet Residential District (VHRD)</b>	<b>Varna Hamlet Traditional District (VHTD)</b>	<b>Minimum Lot Size</b>
Recreation, Passive	SPR	SPR	SPR	None
Recreation Facility, Amusement	SPR	SPR	X	2 Acres

Recreation Facility, Athletic	SPR	SPR	X	2 Acres
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**Section 704: Varna Density Table**

All residential uses in Varna are subject to the maximum number of Dwelling Units per acre set forth in the following Varna Density Table. All numbers are in Dwelling Units per one acre (du/ac)

Dwelling type	Mixed Use (requires commercial) <sup>1</sup>	Residential <sup>2</sup>	Traditional <sup>3</sup>	Green development bonus (see section 707)
Single Family Home	6	6	4	2
Duplex	6	4	2	X
Townhouse	6	4	X	2
Condominium	6	4	3	2
Apartments	6	4	3	2
Senior Housing	8	6	X	2
Residential over Commercial	6	X	X	2
Multi Family – Detached Units	X	X	X	
	1 – Developments with > 9 units must have 2000 sq. ft. of commercial for each 10 units. These may be	2 – Multi-family units limited to covering no more than 40% of the acreage remaining after removing the open space land.	3 – No bonuses will be granted in the Traditional district.	

	phased in over time.			
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**Section 705: Required Green Space Table**

All uses in Varna shall incorporate the amount of the 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 706: Area and Bulk Table**

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 with 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 current FEMA (Federal Emergency Management Agency)

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. Buffers shall be considered to be established for other environmentally sensitive areas within the hamlet districts.

### **Section 707: Green Neighborhood Development**

In addition to the density permitted in the Varna Density Table in Section 704 a density bonus may be awarded if a Neighborhood Development Proposal achieves at least basic LEED certification according to the most current LEED Neighborhood Development (LEED ND) and LEED Building Design and Construction (LEED BD&C) Protocols. The board shall have the discretion to excuse non-compliance with LEED prerequisites which cannot be reasonably attained within the Town of Dryden.

### **Section 708: Planned Unit Development**

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

**SECTION 3.** Article IX, Section 909(B) is hereby amended to correct a reference to the no-longer existing “H” (Hamlet) District in Varna and replace it with references to the Varna Districts, namely, VHMUD, VHRD and VHTD, so that Section 909(B) now reads as follows:

“Section 909: Landscaped Buffer Requirements for Multi-Family and Non-Residential Uses,

B. Multi-Family or non-residential uses abutting or directly across a Highway from any residential property in a CV, VHMUD, VHRD, VHTD, NR, RA, RR or TNDO District, shall have a Buffer Strip along or facing any common property lines. Such Buffer Strip shall comply with the following minimum standards:.

1. It shall be a planting of such type, height, spacing and arrangement as, in the judgment of the Board, will effectively screen the activity on the Lot from the neighboring residential area. In the case of industrial uses, plantings shall be at least six (6) feet high at planting and at least 12 feet high at maturity.
2. It shall be at least 20 feet in width, except in conjunction with industrial uses, in which case the buffer strip shall be at least 30 feet in width.
3. No site improvements, including parking areas, shall be allowed within 15 feet of the inside edge of any buffer strip.
4. A wall or fence of location, height, design and materials approved by the Board may be substituted for part or all of the required planting and buffer area.
5. Where the existing topography and/or landscaping provide adequate screening, the board may waive or modify the planting and/or buffer area requirements”.

**SECTION 4. SEVERABILITY.** If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Any prior inconsistent Local Law is hereby repealed and superseded.

**SECTION 5. EFFECTIVE DATE.** This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law, provided that for any site plan application that is beyond the Sketch Plan stage, the applicant will have the option to proceed under the version of this law that was in place immediately prior to the enactment of this law as long as the applicant submits a complete site plan application within 60 days from the effective date of this law.