

SUMMARY

Below is a summary of the changes to the Zoning Code.

This overview will not be numerically, but highlights the revisions.

I. Vehicle Sale Overlay District repealed.

It is a strong recommendation of the Town Planner and Attorney, as well as other interested Town Officials that the Vehicle Sale Overlay District and Appendix "A" relating to Vehicle Sales Overlay Design Guidelines should be repealed. By history, the Vehicle Sale Overlay was adopted prior to the Commercial Corridor Overlay District. It was limited to vehicle sales whereas the Corridor Overlay District addresses the entire area of the commercial corridor. The Special requirements for Vehicle Sales are better addressed as a Special Use Permit than an Overlay District.

II. Commercial Corridor Overlay District.

The Commercial Corridor Overlay District has been modified by reducing the area of the District, i.e., the easterly end of the Overlay District is now Beattie and Old Beattie Roads as opposed to Rapids Road. Also, the depth has been reduced from 1,000 ft. to 500 ft. from the edge of the roadways (Transit and Robinson/Dysinger).

It has been the experience of the Planning Board that properties were brought into the Commercial Corridor Overlay because of the width of the District that really were not intended to be included. Many people, including the Town Planner, the Building Inspector and Town Attorney have recommended that this District be reduced.

III. Provisions Relating to Parking.

Provisions relating to parking have been modified to provide for more Planning Board control over the size of parking areas and the amount of parking provided.

There has been a planning community backlash against "too much parking being required by codes". The result of too much parking is too much blacktop, less greenspace, and

unused parking areas. The Code has been revised to provide that the Planning Board can make an individual determination on every site relative to how much parking is required. In the event the Planning Board determines not to do so, the default provisions for number of spaces which were adopted originally, remain in effect. This change should allow the appropriate amount of parking with more attractive development.

IV. Signage.

The Sign Code has been changed.

First, freestanding signs are now required to be on a solid base, pole signs are not allowed. This was a recommendation by Planning Board Chairman Forsey, which was well received by Supervisor Smith and Town Planner, Reilly. The change is aesthetic. It has been determined that the previous requirement of 8 foot clearance between the bottom of the sign and the sign itself, has not been necessary because the signs must be located out of site lines and so they will not impede views of traffic movements. Based signs without poles are more attractive. Landscaping can be incorporated into the sign design in a much more meaningful fashion than it could be with pole signs. Location to avoid sight line problems is part of site plan review.

Second, the maximum sign surface area of freestanding signs has been modified by eliminating the under 200 feet - maximum surface area of 64 square feet, so there will be only one division under 500 feet and over 500 feet of frontage. It has consistently been claimed by developers that 64 square feet signs are insufficient. Quite a few variances have been granted and no real logical reason has been shown why a vendor who has 150 feet should have a third less signage than a vendor who has 200 feet.

V. Cluster Development.

The Cluster Development section has been modified in several ways. New York State Law has a very good cluster development section. The Town of Lockport tried to improve upon it. In some respects, it caused it to become more complicated and less amenable. The additional requirement of 40% greenspace has been eliminated as being unnecessary because the smaller lots automatically provide common green space. The smaller the lot, the more common greenspace. The

revisions also allow cluster developments in A-R Districts, as well as R-1, R-2 and PUD Districts. The maximum height allowed in cluster developments has been changed from 35 to 45, the purpose being to allow three-story buildings, when appropriate, in Cluster Development Districts. Vertical units will further increase available greenspace. The setback from existing R-1's has been changed from 100 feet to 50 feet except when three-story building adjoin the existing residential development, where it remains at 100 feet. A 100 foot buffer area tends to have the effect of establishing greenspace that is not productive and not used and not well capable of being incorporated into a well thought out greenspace area for clusters. The section relating to condominium owned roads and infrastructure has been changed slightly to make it clear that the Town Board could determine, if it wants, to own part or all of such infrastructure. Example: if a road or sewer or water line will enhance the pressures or provide connectivity, the Town would likely wish to own it. It may not want to own the loops, or cul-de-sacs, or segregated parts of infrastructure.

VI. Special Use Permit Language.

There are several sections that have been changed relative to Special Use Permit language without change in meaning.

VII. Minimum Lot Area For Horses.

Upon the Building Department's request, a provision has been inserted to require a minimum of 10 acres for livestock or horses in the A-R and A Districts.

VII. Permanent Structures.

A provision has been added to make it clear that all businesses need to be conducted out of a permanent building. Minimum square footage has been set at 1,500 square feet.

VIII. Agricultural District Residences.

A provision that single family residences can be built upon land in the Agricultural District which has not been used for farming for the last five years, and containing a minimum acreage of 3 acres is added. The purpose of this is that most land in agricultural areas that are not used for farming are not used because the land is not good or farming

has simply not been profitable. Use variances have been plentiful in the Agricultural District because people wish to use land for an economically beneficial purpose, i.e., single family residences. They could not make a return on their investment on the land otherwise. These use variances were mandatory and the people were entitled to them. The zoning itself, if farming cannot be profitable, zones out the ability to use land. This is the criteria for a use variance. Zoning cannot make land worthless. The three acre provision prevents dense single family residential growth in agricultural areas. Even though some land and residential areas cannot be used for farming, dense single family use always conflicts with farm use to some extent, therefore, larger lots are required.

IX. Private Golf Courses.

Private golf courses are added to the allowed uses in the A-R area. It is problematic that a public golf course is currently allowed and a private golf course are not.

X. Accessory Uses.

A provision establishes the rear façade of the principal building as opposed to the front façade of the principal building as the line behind which accessory uses need to be build (such as sheds, swimming pools, etc.).

XI. Language Change.

Section 200-69 is reworded without changing its meaning. Buildings over 120,000 square feet are a special use. It requires that they are allowed as a special use and requires that they obtain a Special Use Permit. The other language is not necessary to accomplish this purpose.

XII.

Section 200-94(m) (6) is changed to clarify that the Planning Board may require additional site amenities without tying them to the parking issues.

XIII. Site Plan Waiver.

A provision authorizes waiver of site plan approval where a simple re-use of an existing building or insignificant site modification is sought.