

Town of Southport Zoning Ordinance Update

Draft Diagnostic Report

Background

The Town of Southport began work on a new comprehensive plan in 2012. After a year of committee meetings and public outreach, the Town Board adopted the plan in March 2014. Through an extensive public process, the Town identified four major goals that will guide development in Southport over the next 10-15 years. They are:

- Generate opportunities for economic development;
- Accommodate the changing population;
- Enhance community character; and,
- Protect historic and natural resources.

The Plan is based on the following vision statement:

In 2025, the Town of Southport is a diverse community with attractive neighborhoods, successful businesses, productive agricultural areas, and protected rural lands. Residents regard the feeling of community, abundant historic and recreational resources, traditional character and good governance as important reasons to settle here. The Town continues to build partnerships to grow its economy, provide desirable housing choices, and retain and attract new residents and businesses. In doing so, Southport is a leader in the Southern Tier, working with neighboring municipalities on transportation and land use while making thoughtful decisions about its own growth and conservation.

The Comprehensive Plan specifically suggests a number of revisions to the Town Zoning Ordinance. As one of the first steps toward plan implementation, Southport successfully applied for a grant to update its Zoning Ordinance through Phase 2 of NYSERDA's Cleaner Greener Southern Tier program. The aim of the Cleaner Greener program is to implement projects that reflect the goals outlined in the Southern Tier's Regional Sustainability Plan (May 2013); specifically, to reduce greenhouse gas emissions and prepare for the impacts of climate change. Given that sustainability goals are strongly linked to the community's ability to control its future development and land use, NYSERDA set aside funding for planning-related initiatives—including zoning revisions—to implement the goals of the Cleaner Greener Communities Program. Funded projects should "have the ability to be inspirational and replicated to expand market adoption and overall impact."¹ NYSERDA and the Town of Southport finalized the contracts to begin this project in September 2014 and the Town Board appointed a committee to oversee the consultants selected to revise the ordinance. The Town and its consulting team aim to complete the updates within one year from the date of the contract execution.

All changes to the current zoning ordinance recommended in this document will reflect the vision for the Town outlined by the Comprehensive Plan (see above). The changes to the ordinance will be

¹ nyserda.ny.gov/cleaner-greener

implemented first in law, as the Town Board will have to adopt them, and second by the Planning Board and Zoning Board of Appeals, which will put the zoning into practice. It is important that members of the Planning Board and ZBA understand the rationale behind the zoning revisions so that they uphold the spirit of both the new ordinance and the Comprehensive Plan.

Purpose of a Diagnostic Report.

This Diagnostic Report is the first deliverable described in Phase One of the Scope of Work. The Report sets out the actions from the Comprehensive Plan that specifically relate to the zoning update (summarized with comments below). The purpose of this Report is twofold: first, to outline the changes that are within this scope of work and that will implement the specific recommendations of the comprehensive plan. And second, to recommended changes to the current ordinance that are beyond this scope of work. The latter may include issues that the Planning Board may wish to address while the project is ongoing, to ensure that updates to the code occur in a holistic and efficient manner.

According to the goals of the Plan, this project will apply changes to the code primarily in Bulkhead, Cedar Street, and Pine City, where we are proposing the creation of a new “form-based code” to increase density and support sustainability goals. The difference between a traditional code (what you have now) and a form-based code (FBC) is that FBC uses **physical form** rather than **separation of uses** as the organizing principle for the code. In other areas of the Town, changes to the code will apply more generally.

The diagnostic report will also serve as the basis for current and future discussions by identifying limitations of the current regulatory approach, and recommend improvements to the format and accessibility of the code. The final product will be straightforward, easy for the Town to enforce, predictable for developers to follow and basic for residents to understand.

Links of interest:

1. Comprehensive Plan (URL: http://www.townofsouthport.com/comprehensive_plan.php)
2. Existing Zoning Ordinance (URL: <http://ecode360.com/SO2246?needHash=true>)

Committee and Public Input

The Town appointed a 12-person committee to work with its consultants, Elan Planning, Design, & Landscape Architecture (Elan) and Hunt Engineers, Architects & Land Surveyors, PC (HUNT), on the zoning updates. The committee includes three members of the Planning Board, two members of the Zoning Board of Appeals, two representatives from the Town Council, a Code Enforcement officer, residents and business owners.

Summary of Key Findings

The most significant changes to the zoning ordinance will be the designation of Southport’s central areas for walkable, higher-density development with a mix of uses and reduced parking requirements. Consistent with the future land use map of the Comprehensive Plan, these areas will be located in Bulkhead, Cedar Street and Pine City, with the exact boundaries to be designated by the Committee and defined in the new zoning map. This project will create a form-based code (FBC) to guide future development in these zones.

Other regulations throughout the ordinance will be refined to create a more flexible document that responds to the desire for greater sustainability in land use, changing work patterns, and the needs of an aging population—all recommendations in the Comprehensive Plan. Duplicate regulations will be removed. We will also recommend changes to prepare the Town for hydraulic fracturing should the moratorium on drilling be lifted in New York State in the future.

We also recommend improvements to the document to enhance accessibility and ensure that zoning is easy to administer and understand. We recommend including a “How to Use this Code” introductory section, clear table of contents, revised page layout, and an illustrative and simplified form-based code for use in Bulkhead, Cedar Street and Pine City areas.

The next section outlines the updates to the zoning ordinance recommended by the Comprehensive Plan arranged by Goals. Further tasks required to achieve each action as discussed by the consultants are included in the right-hand column.

Zoning Updates recommended by Comprehensive Plan

Goal 1: Generate Economic Development Opportunities

Actions from Comprehensive Plan	Tasks
Examine zoning along important corridors to determine ideal development strategy	<ol style="list-style-type: none"> 1. <i>Examine areas designated for increased density in future land use map: Bulkhead, Cedar St. and Pine City (currently zoned CR and CN).</i> 2. <i>Revise setbacks, lot coverage, and heights and lower parking requirements in these areas.</i> 3. <i>Review bisected parcels and place them under one zoning classification where possible.</i>
Consider lower parking requirements for offices and commercial uses	<ol style="list-style-type: none"> 4. <i>Parking per site plan review.</i>
Modify zoning to establish small pockets of commercial in residential neighborhoods	<ol style="list-style-type: none"> 5. <i>Examine zoning map for potential revisions: South Main Street, Broadway/Chamberlain/Bennett, others as recommended by Steering Committee, public.</i>

Goal 2: Accommodate the Changing Population

Actions from Comprehensive Plan	Tasks
Allow accessory apartments in designated zoning districts.	<ol style="list-style-type: none"> 1. <i>Revise zoning to allow for greater variety of accessory dwelling units.</i>
Investigate definitions of “family” to regulate the use of accessory apartments.	<ol style="list-style-type: none"> 2. <i>Revise definition of “family” and “home occupation,” locations where permitted, consider different levels of home occupation and review existing supplemental regulations.</i>
Consider allowing “live-work” units by defining and allowing this use in zoning.	<ol style="list-style-type: none"> 3. <i>See Goal 1, Action 1 above.</i>
Establish the infrastructure to allow seniors to “age in place”.	<ol style="list-style-type: none"> 4. <i>Review PSHOD overlay district.</i>

Goal 3: Enhance the Community Character

Actions from Comprehensive Plan	Tasks
Consider restricting the modification of single-family homes into multi-family structures in specific zoning districts.	1. <i>Review locations for multi-family housing, examine multi-unit uses and Planned Multiple Residential (PMR) district (purpose and location) with Committee.</i>
Encourage future development to locate within strategic areas (Bulkhead, Cedar St., Pine City)	2. <i>See Goal 1, Actions 1 and 5 above.</i>
Encourage mixed-use on underutilized or vacant sites (Bulkhead, Cedar St., Pine City)	3. <i>See Goal 1, Action 1 above.</i>
Encourage the development of walkable, connected neighborhoods.	4. <i>Use Form-Based Code for Bulkhead, Cedar St., Pine City districts.</i>

Goal 4: Protect Natural and Historic Resources

Actions from Comprehensive Plan	Tasks
Adopt a conservation subdivision in place of a traditional cluster subdivision.	1. <i>Review and modify cluster language.</i>
Provide buffers around streams restricting vegetation removal in the 50' buffer.	2. <i>Map both 50' and 100' stream buffers for purposes of comparison.</i>
Implement higher floodplain management standards.	3. <i>Examine site plan review to ensure consistency with floodplain damage prevention local law.</i>
Update zoning to promote green infrastructure techniques.	4. <i>Examine and incorporate green infrastructure techniques in parking requirements, site plan review procedures. Encourage the Town to educate the public on green infrastructure (the potential to encourage green infrastructure through zoning is limited).</i>
Locate future development away from important natural resources.	5. <i>100' buffer required around State wetlands. Consider 100' buffer around streams.</i> 6. <i>Modify conservation subdivision regulations (100' buffer will need to be subtracted out of density count).</i>

Articles of new outline, explanation and comments

Existing Articles	Explanation and Comments	Recommended actions not in Scope of Work
Article I. Title, Purpose and Authority.	<ul style="list-style-type: none"> • 525-3.A Purpose. Review with Comprehensive Plan vision and goals in mind. 	
Article II. Interpretation; Definitions and Word Usage.	<ul style="list-style-type: none"> • 525-4 Word usage; severability; interpretation; conflict with other legislation and 525-5 Definitions. Revise and amend definitions as needed. <ul style="list-style-type: none"> ○ Mining. What should be allowed – all, partial, accessory uses only, etc, where (which districts), other concerns? Incorporate NYS DEC thresholds for mining, drilling (does definition of mining need to be included/updated, or can 525-95.b be updated for accessory drilling operations?) ○ Accessory issues. Include standards. ○ Roadside Stand. Review definition. 	Move definitions to the end of the code.
Article III. Establishment of Districts.	<ul style="list-style-type: none"> • No changes to current district names needed. • Examine district for form-based code: exact boundaries TBD. • Changes to map (bisected lots) may be required. 	
Article IV. Use Districts.	<ul style="list-style-type: none"> • Use Districts. Review the intent of each district (note: CR states that the Town is responsible for roads); rewrite to reflect spirit of Comprehensive Plan, describe where the Town wants to grow. • 525a Use Regulation Table. Clarify instructions in key, condense uses. 	
Article V. Bulk and Density Control Requirements.	<ul style="list-style-type: none"> • 525b Bulk and Density Control Schedule. Replace with Form-Based district tables. • 525-27 Special requirements relating to front yard. Keep/edit? 	
Article VI. Residential Cluster	<ul style="list-style-type: none"> • Discuss RCD rationale with Code Enforcement Officer. Consider updating 	

Development (RCD)	to conservation cluster.	
Article VII. Planned Multiple Residential District (PMR)	<ul style="list-style-type: none"> Review and possibly convert to Planned Development District (PDD). 	
Article VIII. Planned Senior Housing Overlay District (PSHOD)	<ul style="list-style-type: none"> Review article and overlay district boundaries. Discuss history and rationale behind this District. 	
Article IX. Site Plan Review and Approval.	<ul style="list-style-type: none"> Compare to General Municipal Law and discuss potential changes with Planning Board. Planning Board should ensure that flood damage prevention local law is referenced accordingly. 525-57 Concept plan contents and 525-60 Preliminary site plan. Incorporate green infrastructure techniques. Combine Chapter 431 Site Plan Review and Article IX Site Plan Review and Approval to ensure compliance with General Municipal Law. 	
Article X. Development Requirements.	<ul style="list-style-type: none"> 525-73.6 Special requirement for CR, CN and I Zoning Districts. Revise to include parking table for CR and CN. Consider parking requirements based on site plan review. Site plan review will be required in form-based areas. 525-73.9 Landscaping. Add green infrastructure recommendations for CR and CN districts. 525-75 Accessory structures. Add ADU requirements, modify family definition. 525-82 Stormwater management. Include reference to green infrastructure. 525-88 Home occupations and 525-89 Cottage industries. Review for live-work definition and locations. 525-92 Buffers and landscaping. Include green infrastructure in CR, CN. 525-95 Outside storage of certain vehicles, equipment or materials. Possibly include accessory uses 	<p>This article could be pulled apart into several different articles (signage, parking, etc.) to be more user-friendly. Include an article called “supplemental regulations” with things like rod and gun club, outdoor burning, etc.</p>

associated with drilling operations.
“Drilling” is distinct from “Mining”.

- **525.97 Roadside stands.** Definition to be revised.

<p>Article XI. Nonconforming Structure, Use and Lot.</p>	<p>Needs to be completely rewritten. It is not comprehensive enough to deal with all of the nonconforming elements. Ideally, the ordinance should have separate regulations for structures, uses and lots. Presently, 525-107 organizes nonconforming structure, use and lot under one heading.</p>
<p>Article XII. Zoning Board of Appeals.</p>	<p>Check compliance with General Municipal Law. Discuss changes with Zoning Board of Appeals.</p>
<p>Article XIII. Administration.</p>	<ul style="list-style-type: none"> • Separate officers for compliance and enforcement (code administrator or code enforcement officer?) <p>Does CEO have any recommendations? Better to have administration in one article and enforcement in another.</p>
<p>Article XIV. Amendments.</p>	<ul style="list-style-type: none"> • No changes suggested.

Duplicate Regulations

- Sign regulations: Chapter 425 (Signs) and Chapter 525 (Zoning) §525-77.
- Site Plan Review and Approval: Chapter 431 (Site Plan Review) and Chapter 525 (Zoning) §525-57 and §525-60.
- Chapter 452 (Stormwater Management, Erosion and Sediment Control): Incorporate green infrastructure techniques?

Zoning Map

Three zoning maps are required to inform the project:

1. Townwide
2. Detail to include Bulkhead and Cedar Streets
3. Detail to show Pine City