



## Village of Perry Zoning Ordinance Update *Draft Diagnostic Report*

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### **Background**

The Village of Perry began work on a new comprehensive plan in 2014. After a year of committee meetings and public outreach, the Village Board adopted the plan in September 2015. Through an extensive public process, the Village identified the planning principles that will guide development in Perry over the next 10+ years. They are:

- Market Strength. *Actions will be taken that result in a strong market.*
- Village Form. *Actions will be taken that preserve and protect our village form.*
- Fiscal Stability. *Actions will be taken that result in the village being fiscally stable.*

The plan is based on a vision articulated in the “Letter from the Steering Committee” on Page 5 of the Comprehensive Plan. The following is a summary of the letter:

*Perry is “a village that’s still a village.” It is a historic, charming and walkable place in a rural setting. We are a strong community of caring residents and business owners. We take great and justifiable pride in our regionally-renowned events, our independent school district, our top-notch recreational facilities, and our dynamic, locally-owned businesses. Our village is complex yet compact with a mix of land uses that signal a sustainable economy and social life...*

*... We will make decisions that reinforce our sense of place and the character of our community. Our community will continually strengthen our neighborhoods and confidently enhance our corridors. We will provide direct investment to support Main Street while ensuring that our edges and surrounding lands reinforce our rural essence. In every way we will remain a Village. Our time, our money and our energy will be the tools to accomplish this. Our actions serve as the expression of who we are.*

*The Village will be physically special end to end. Underneath is our commitment to ourselves and our heritage as an independent community of farmers, entrepreneurs, skilled workers and strong families. Our priorities will reflect these values and ambitions.  
This is our vision.*

*Village of Perry Comprehensive Plan Steering Committee  
2015*

The Comprehensive Plan specifically suggests a number of revisions to the Village Zoning Ordinance, which was last rewritten in 1994 with minor updates since. As one of the first steps toward plan implementation, the Village Board set aside funding to hire a consultant to assist with the update of the



ordinance. All changes to the current zoning ordinance recommended in this document will reflect the vision for the Village outlined by the Comprehensive Plan (see above). The changes to the ordinance will be implemented first in law, as the Village Board will have to adopt it, and second by the Planning Board and Zoning Board of Appeals, both of which will put the regulations 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. Both boards have representatives on the Zoning Committee, which is also comprised of Village Board members and residents.

### **Purpose of a Diagnostic Report.**

This Diagnostic Report is the first deliverable described in the Scope of Work/First Quarter Report. 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 to outline the changes that are within this scope of work and that will implement the specific recommendations of the comprehensive plan. We will also note any recommended changes to the Village's general regulations that are beyond this scope of work. The latter may include issues that the Village Board may wish to address while the project is ongoing, to ensure that updates to the overall code occur in a logical order.

According to the goals of the Plan, this project will apply changes to the code to focus on two of the four stated priorities in Section IV – to constantly improve and protect the Village through regulation of use, form and the market. For mixed-use districts, the new code will be a hybrid that incorporates elements of a traditional code (what you have now) and a form-based code (FBC), which uses **physical form** rather than **separation of uses** as the organizing principle for the code. In many areas of the Village, 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 Village to enforce, predictable for developers to follow and basic enough for residents to understand.

Links of interest:

1. Comprehensive Plan: <http://www.villageofperry.com/Comprehensive%20Plan.htm>
2. Existing Zoning Ordinance: <http://ecode360.com/10897116>

### **Committee and Public Input**

The Town appointed a Zoning Committee to work with its consultants, Goman + York and Elan Planning, Design, & Landscape Architecture (Elan), on the zoning updates. The committee includes representatives from the Planning Board, the Zoning Board of Appeals, the Village Board and residents.

### **Summary of Key Findings**

The most significant changes to the zoning ordinance will be the reorganization of the regulations into a more user friendly order/format, modifications to the C-1 (Commercial Central Business) district to address mixed uses and shared public and private parking, and the addition of new and improved site



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development and design standards. Consistent with the future land use map of the Comprehensive Plan, areas for mixed-use will be expanded southwest of C-1 district, with the exact boundaries to be recommended by the steering committee and designated by the Village Board and defined in the new zoning map. This project will include *elements* of form-based code (FBC) to guide future development in these zones. The updated ordinance will reflect Section III of the Comprehensive Plan, which states, “the Land Use Plan demonstrates Perry’s wish to diversify its economy by encouraging a pattern of land development that concentrates in the center with a dense mix of uses, progresses into historic, lower-density neighborhoods and small industries that require larger parcels, into a periphery of protected agricultural lands that complement the transition into the Towns of Perry and Castile.”

Other regulations throughout the ordinance will be refined to create a more flexible document that responds to the desire for more single-family residences in the R-1 districts, upper-story apartments in downtown, greater sustainability in land use through compact, walkable development, and the protection of farmland—all recommendations in the Comprehensive Plan. Duplicate regulations will be removed. 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 code for use in mixed-use areas.

The next section outlines the updates to the zoning ordinance recommended by the Comprehensive Plan arranged by Goals.



## Zoning Updates recommended by Comprehensive Plan

### From Part III: Land Use, Zoning and Neighborhoods

Actions from Comprehensive Plan	Tasks
Consider creating sending and receiving districts with a goal of preserving farmland.	1. <i>Discuss the viability of a Transfer of Development Rights (TDR) program with Wyoming County or even as part of the proposed GLOW District land bank.</i>
Discuss the re-establishment of an Agricultural-Residential zone, which was removed from the ordinance in 1994, to retain the current agricultural uses and to enhance the greenbelt of farmland around Perry’s developed areas that is integral to its uniqueness.	2. <i>Study the zoning map to determine whether A-R would be an appropriate “new” district. If so, determine allowable uses and/or form for that district.</i> 3. <i>The current ordinance does not include a district dedicated to agricultural use. Regulatory protection may help protect this land from being converted into low-density residential housing. ZC to discuss appropriate solutions.</i> 4. <i>Put regulations in place that would protect the greenbelt from suburban development patterns.</i>
Modify residential and commercial districts to expressly allow or disallow a variety of housing types.	5. <i>Decide whether to allow Accessory Dwelling Units (ADUs) in residential districts. Current zoning allows for some accessory uses yet does not expressly allow ADUs.</i> 6. <i>Preserve and possibly expand R-1 districts.</i> 7. <i>Discuss addressing residential conversions through site plan review or regulating absentee landlords.</i> 8. <i>Expressly allow dwellings in the Commercial Central Business (C-1) District. This could encourage additional upper-story apartment conversions.</i>
Redefine the developed commercial areas with land uses that reflect the current economy.	9. <i>Allow light industrial uses, incubators, artisans and other small industries to accommodate entrepreneurship.</i> 10. <i>Do not dedicate further land for expansion of suburban-style corridor retail.</i>



*From Part IV: Priorities and Actions*

<b>Actions from Comprehensive Plan</b>	<b>Tasks</b>
Allow accessory apartments in designated zoning districts.	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.	2. <i>Revise definition of “family” and “home occupation,” locations where permitted, consider different levels of home occupation and review existing supplemental regulations.</i>
Revisit the regulations on uses in the C-1 District to stimulate demand.	3. <i>Review all allowable uses.</i> 4. <i>Reformat uses into tables.</i>
Move to slow rental conversions by preserving and expanding the Village’s R-1 Districts to strengthen residential property values and the quality of life on residential blocks in Perry.	5. <i>Review locations for multi-family housing, examine multi-unit uses and R-2 and R-3 districts (purpose and location) with Committee.</i> 6. <i>See Items 5-6 above.</i>
Enact protections of farmlands to ensure Perry is set in the rural landscape that helps the village remain special.	7. <i>See Items 3-5 above.</i>
Write parking and design requirements that encourage and fit in with more compact development.	8. <i>Evaluate parking requirements to determine appropriateness.</i>
Modify the existing industrial districts into more flexible mixed-use districts that encourage artisanal businesses, entrepreneurship and collaboration.	9. <i>Review all allowable uses and boundaries of the industrial districts.</i>
Enhance sustainability by providing for compact land use patterns that reduce vehicle dependency and improve overall health of residents.	10. <i>Review setbacks, lot coverage, and heights and parking requirements in all districts.</i>
Consider implementing design guidelines or standards for high-visibility areas such as Main Street.	11. <i>TBD</i>
Provide for innovative approaches that expand the range of development opportunities by modifying the C-1 and residential districts to adapt to current use and investment patterns.	12. <i>Consider allowing “live-work” units by defining and allowing this use in zoning.</i> 13. <i>Define Accessory Dwelling Units.</i>
Identify potential zoning changes and initiatives to preserve and enhance structures	14. <i>TBD</i>



with architectural significance in the Village core and residential neighborhoods.

Promote reuse and redevelopment of underutilized parcels in the Village core and residential neighborhoods. Encourage future development to locate within strategic areas. Encourage the development of walkable, connected neighborhoods.

15. TBD

Identify potential regulatory changes to improve stormwater management practices.

16. *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).*

**ITEMS TO CONSIDER – NOT SPECIFICALLY IN CP**

<b>Actions from Comprehensive Plan</b>	<b>Tasks</b>
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>
Locate future development away from important natural resources.	4. <i>100' buffer required around State wetlands. Consider 100' buffer around streams.</i> 5. <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
<b>Article I. General Provisions</b>	<ul style="list-style-type: none"> <li>• <b>Purpose.</b> Review with Comprehensive Plan vision and goals in mind.</li> <li>• Ensure compliance with NY State law</li> </ul>
<b>Article II. Definitions</b>	<ul style="list-style-type: none"> <li>• Change title to “Interpretation”</li> <li>• Add new sections to address ‘General Interpretation’ and ‘Interpretation of Terms’, followed by ‘Definitions’.</li> </ul>
<b>Article III. Administration</b>	<ul style="list-style-type: none"> <li>• Administration provisions will be moved to end of the Zoning Regulations as the last chapter and titled “Administration and Enforcement”.</li> <li>• New title, Article III. “General Regulations”</li> <li>• The new general regulations chapter will include regulatory provisions that apply to all zoning districts. For example, non-conforming uses, lot standards, performance standards, municipal and public utility uses, etc.</li> </ul>
<b>Article IV. District Regulations</b>	<ul style="list-style-type: none"> <li>• <b>Use Districts.</b> Article IV will be split into two section, Article IV. “Residential Districts” and Article V. “Commercial Districts”.</li> <li>• These two Article will contain the regulatory provisions specifically related to “Residential” and “Commercial” districts, respectively. That will include permitted use, bulk and area requirements, accessory uses, and any special regulatory provisions related to the respective uses in the zones.</li> <li>• Uses will be converted and presented in Use Tables.</li> <li>• Bulk and Area Requirements will be converted and presented in Bulk and Area Tables.</li> </ul>
<b>Article V. Supplementary Regulations</b>	<ul style="list-style-type: none"> <li>• Article V. Supplementary Regulations will become Article VI. Special Regulations.</li> <li>• This section will include special regulations such as Excavation, Towers and Antennas, Mobile Home Parks, Landfill Management, and Exterior Furnaces, etc.</li> </ul>
<b>Article VI. Signs</b>	<ul style="list-style-type: none"> <li>• Article VI. Signs will become Article VII. “Site Design Standards” and will include the following:</li> <li>• Landscaping and Buffers, Stormwater Management, Low Impact Design Techniques, Outdoor Lighting, Parking Requirements, and Sign Requirements, etc.</li> <li>• Tables, charts, and diagrams will be utilized to graphically present and/or represent regulatory requirements and provisions.</li> </ul>
<b>Article VII. Towers and Antennas</b>	<ul style="list-style-type: none"> <li>• Article VII. Towers and Antennas will be incorporated into Article VI. Special Regulations.</li> </ul>



<b>Article VIII. Excavations and Topsoil Removal</b>	<ul style="list-style-type: none"> <li>Article VIII. Excavation and Topsoil Removal will be incorporated into Article VI. Special Regulations.</li> </ul>
<b>Article IX. Mobile Home Parks</b>	<ul style="list-style-type: none"> <li>Article IX. Mobile Home Parks will be incorporated into Article VI. Special Regulations.</li> </ul>
<b>Article X. Landfill Management</b>	<ul style="list-style-type: none"> <li>Article X. Landfill Management will be incorporated into Article VI. Special Regulations.</li> </ul>
<b>Article XI. Exterior Furnaces or Burning Devices</b>	<ul style="list-style-type: none"> <li>Article XI. Exterior Furnaces or Burning Devices will be incorporated into Article VI. Special Regulations.</li> </ul>
<b>New Article XIII. Administration and Enforcement.</b>	<ul style="list-style-type: none"> <li>A new Article VIII. "Administration and Enforcement" will be created and will address and include: <ul style="list-style-type: none"> <li>Permitting process administered by staff</li> <li>Permitting Processes administered by the Village Board.</li> <li>Application Requirements for permit applications.</li> <li>Zoning Board of Appeals.</li> <li>Separate officers for compliance and enforcement (code administrator or code enforcement officer?)</li> </ul> </li> </ul>

*Duplicate Regulations*

Will be eliminated.

*Zoning Map*

We will create a new zoning map as part of this project, assuming that the ZC recommends modifications and/or bisected lots are addressed.