

Town of Caroline Zoning Law

Annotated Table of Contents for Review
by Zoning Commission

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ARTICLE I TITLE, ENACTING CLAUSE, SCOPE AND PURPOSES

(Required and except for the purposes, mostly pro forma language)

- Section 1.1 Enacting Clause
- Section 1.2 Title and Scope
- Section 1.3 Purposes
- Section 1.4 Severability

ARTICLE II DISTRICTS

(Tailored to identify and describe the districts you ultimately choose)

- Section 2.1 Official Zoning Maps and Names of Districts
 - 2.1.1 Base Zoning Districts and Purposes **(All To be Determined by ZC)**
 - Hamlet 1
 - Hamlet 2
 - Rural/Conservation
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 - 2.1.2 Overlay Districts and Purposes
 - Water Resources and Flooding
 - Natural Resources
 - Agricultural Resources
 - Scenic Resources
- Section 2.2 Interpretation of District Boundaries and Application of District Regulations

ARTICLE III USES AND DIMENSIONS

(This section outlines what uses you will allow and what dimensions and density by district)

Section 3.1 Permitted and Special Permitted Uses by District

(This is a table that lists allowed uses and uses you want to be allowed with a special use permit (if any) by district. It will also identify those uses that require site plan review.)

Section 3.2 Dimensions by District

(This is also a table by district that will list whatever dimensions and density move forward including lot size, density, setbacks, etc.)

3.2.1 Density by district and overlay district

3.2.2 Density Bonuses

3.2.3 Corner Lots

(We always add in a statement for corner lots since they have two front yards)

3.2.4 Projections into Yards

(May not be something you care about)

3.2.5 Splitting of Parcel into One or More Districts

(this is very important to tell folks what the rules are when a parcel is split into one or more districts.)

ARTICLE IV SPECIFIC STANDARDS BY DISTRICT

Section 4.1 Base Zoning Districts (All To be Determined)

Hamlet 1

Hamlet 2

Rural/Conservation

Mixed Use/Commercial (??)

Section 4.2 Overlay Districts

(These would be the siting, setbacks or other standards designed to protect the particular environmental resource within the overlay, and will refer to the maps)

Water Resources and Flooding

Natural Resources

Agricultural Resources

Scenic Resources

ARTICLE V SUPPLEMENTARY STANDARDS

(This is the section that lists specific development standards expected for a variety of uses and features. I have added in reference to some that you already have in the form of an existing local law. You can decide to make the zoning law a 'one stop shop' by integrating all those previously separate laws into one here. The list below is fully for discussion and you may want to change this as needed. These are ones that I recommend based on what I perceive as important to you already from our meetings.)

Section 5.1 Home Occupations

(will allow for home occupations – you might want to split by minor (no review at all) and major (site plan review))

Section 5.2 Accessory Apartments

(will allow for accessory apartments in houses or accessory buildings)

Section 5.3 Principal Residential Buildings per Lot

(This is a critical decision to decide how many houses you will allow on one lot. To be discussed)

Section 5.4 Signs

(very important part of design standards for commercial – Town can regulate size, location, lighting, and design but not content)

Section 5.5 Off-Street Parking and Loading Standards

(very important part of design standards for commercial (such as placement to the side or rear)– we want to be flexible and not result in over-built parking lots.)

Section 5.6 Lighting

(very important part of design standards for commercial – use dark sky compliant standards)

Section 5.7 Development Standards for Commercial Structures

(very important part of design standards for commercial – much of this from your Task Force site plan design standards. Could go here or in the Site Plan Section.)

Section 5.8 Conservation Subdivisions

(This is where we would describe the steps to do a conservation subdivision as well as reference your existing subdivision law LL 1 of 2018. Note that a subdivision law does not go in zoning – it is a separate law.)

Section 5.9 Agricultural Data Statement, Agricultural Disclosure Notice, Coordination with NYS AML 25-aa

(A very important section to ensure NYS AML 25-aa requirements are met during project review to be consistent with NYS Agricultural Districts protections of farms.)

Section 5.10 Right to Farm Law (LL 1 of 1999)

(Your right to farm law should be at least referenced if not included as a whole here.)

Section 5.11 Environmental Performance Standards

(These are things like controlling smoke, excessive noise, vibrations, etc. and are found in almost every zoning law)

Section 5.12 Landscaping for Commercial Structures

(very important part of design standards for commercial)

Section 5.13 Utilities

(You may or may not want to have new utility lines buried – if so, this is where it would go)

Section 5.14 Stormwater Management, Erosion and Sediment Control (LL 2 or 2007)

(This law already exists in Caroline and needs to be at least referenced or brought in its entirety into zoning)

Section 5.15 Flood Damage Prevention (LL 1 of 2021)

(This law already exists in Caroline and needs to be at least referenced or brought in its entirety into zoning)

Section 5.16 Additional Standards for Specific Uses

(These laws already exist in Caroline and needs to be at least referenced or brought in its entirety into zoning. I suggest the ZC get advice from Town Board as to whether they want these included as a whole in zoning or not. Either way – we need to add these existing laws in as reference reminders.)

5.15.1 Natural Gas and Petroleum exploration and extraction (LL 3 of 2012)

5.15.2 Siting of Telecommunication Towers (LL 2 of 1998)

5.15.3 Adult Uses (LL 2 of 1989)

5.15.4 Solar Siting (3 of 2021)

5.15.5 Batteries (To be adopted soon)

(You may want other specific uses included here to address specific types of uses you want to control differently – such as multi-family dwellings, gas stations, wind towers, etc.)

Section 5.17 Fee Structures for Engineers and Attorneys (LL 3 of 2000)

(This law establishes the ability to collect escrow accounts for project review. It should be updated to include other professionals such as landscape architects, planners, geologists, hydrogeologists, etc. so that the Review Board gets the help it needs during project review.)

ARTICLE VI SITE PLAN REVIEW (updated from LL 2 of 2018)

(this will bring existing LL 2 of 2018 or Task Force recommended one – with any ZC updates. Remember that site plan regulates siting of elements of a commercial business on one parcel but ignores the actual use. Site plan looks at how things are sited and how those function on the parcel – which is why some of the design standards in the TF version might want to be moved into Section 5.7 described above.)

ARTICLE VII SPECIAL USE PERMITS

(Optional - You may want to allow some uses via the special use process. Uses that require special use permit are allowed, but have some characteristic that may make them harder to fit in so this allows conditions to be placed on the use. If so, you choose what uses you want to be permitted via special use process, but the actual process is mostly determined from State Law. Remember that special use permits are designed to allow you to review the specific use so that you can put conditions on the use as may be needed to ensure the use fits into the neighborhood. For example, a gas station requiring a special use permit would be reviewed under this process to ensure the gas station use fits in with the neighborhood. There is overlap between site plan and special use and they are almost always done together when a special use permit is required.)

ARTICLE VIII NON-CONFORMING USES AND STRUCTURES

(Required – this is where you lay out the rules for uses or structures that are already here but that do not meet this zoning law. Usually they are left as is, but we need to articulate these rules clearly.)

ARTICLE IX ENFORCEMENT AND ADMINISTRATION

(Required – we have to detail who will enforce, and how)

ARTICLE X ZONING BOARD OF APPEALS

(Required and language is straight from NYS Town Law)

ARTICLE XI REVIEW BOARD

(But this is confusing to me because you have a planning board authorized by LL 1 of 2002 and then amended by LL 2 of 2021 but it is not authorized to do subdivision and site plan approvals. Those tasks you assign that to the Review Board, but I could not find any authorizing legislation setting up the rules and procedures for how the Review Board functions. This is not necessarily required in a zoning law, but should at least be a local law that outlines all the duties and procedures. The Town has a similar law for the Planning Board. I recommend it be in the zoning law. If you want to keep the Review Board as the authorized Board to do work via this zoning, we really need to establish them more concretely here.)

ARTICLE XII AMENDMENTS

(Required to lay out the rules for how this law will be amended in the future)

ARTICLE XIII TERMINOLOGY

Section 12.1 Use and Interpretation of Words

Section 12.2 Definitions

(I recommend that we start by incorporating all existing definitions from existing local laws in Caroline including site plan, subdivision, flood prevention, stormwater, etc. That will make up a bulk of terms and we will then ensure that we use the same words in the same way. Then we add words to define and clarify specific terms used in the zoning.)

ARTICLE XIV EFFECTIVE DATE

(Pro forma language – the law does not become effective until filed with NYS DOS.)