

SECTION V – LOCAL IMPLEMENTATION TECHNIQUES

INTRODUCTION

This section details the ways and means for implementing the policies and projects in the LWRP and should be used as a guide for achieving success. While thorough, this section should not be construed to be all encompassing; additional implementation techniques may be identified by local municipalities, organizations, and individuals. Certain identified techniques should be implemented immediately, including the enactment of laws, drafts of which are included in Appendix 1 and Appendix 2, and the establishment of a LWRP consistency review process. Other techniques will be utilized in future years as implementation progress is made.

1. LOCAL LAWS AND REGULATIONS

Existing Local Laws

Prior to the preparation of this LWRP, numerous municipalities already had adopted land use regulations in place. Typically, New York State communities protect and advance the public interest, health, safety, and welfare of their citizens by developing and implementing these types of regulations. The following is a summary of existing land use regulations of the municipalities in the LWRP study area.

East Branch

Town of Cuyler

The Town of Cuyler adopted subdivision regulations in 1991, and utilizes a site plan review local law for mobile home parks. The Town's site plan review local law was adopted in 1994 and was amended in 2000. While such a local law for mobile home parks isn't a comprehensive land use management practice, it does provide some guidance and protection regarding the development of residential uses in the town. The Town also has an unregistered/unlicensed motor vehicle regulation. The focus of this regulation is for promoting the health and general welfare of the community, enhancing the general appearance, increasing the beauty of the natural surroundings, and regulating disposition and location of unregistered/unlicensed motor vehicles.

Town of Homer

The Town originally adopted a zoning ordinance in 1958. The most recent amendment to the town's zoning was done in 2002, but a new zoning law will soon replace this. There are six zoning districts in the Town of Homer.

- Residence District
- Business District
- Agricultural District
- Industrial District
- Planned Development District
- Aquifer Protection District

Uses in each district are divided into permitted uses, permitted accessory uses, uses requiring site plan review, and uses requiring a special permit.

The Residence District is defined in Article III, Section 109-4 of the zoning ordinance. Permitted uses in this district include dwellings, farm, garden, nursery, church, public library, museums, public and parochial schools, nursery schools, public parks, playgrounds, fire stations, public buildings, golf courses, hospitals, sanitariums, home occupations, and public utilities. Uses requiring a special use permit include nursing or convalescent homes, cemeteries, rooming/tourist houses, and keeping domestic animals other than household pets.

The Business District is defined in Article V, Section 109-26 of the zoning ordinance. Permitted uses in this district include all uses allowed in the Residence District, as well as hotels, motels, tourist cabins, retail stores, businesses, professional offices, restaurants, banks, service stations, theaters, bowling alleys, and trailer camps. Uses requiring a special use permit include auto sales agencies.

The Industrial District is defined in Article VI, Section 109-30 of the zoning ordinance. Buildings and land may be used for any lawful purpose, except that the following uses require a special use permit: acid or chemical manufacturing, auto graveyards/storage of automobile parts, building materials salvage yards, cement, lime, gypsum, or plaster manufacture; sand or gravel processing plants, distillation of bones, coal or wood; fat rendering; explosives manufacturing or commercial storage; fertilizer manufacturing; garbage, offal or dead animal reduction or dumping; gas manufacture or storage; glue manufacture; paper and pulp manufacture; petroleum product refining; stockyards or slaughter of animals and poultry; storage of gasoline and oil except for purposes of immediate retail; storage or bailing of rags, scrap paper, scrap metal or junk; tanning, caring for or storage of raw hides or skins; or any trade, industry, or use that is so noxious or offensive by reason of emission of odor, dust, smoke, fumes, noise or vibration as to be dangerous to public health and safety. No building or land shall be used for residential use unless permitted by the Town's Board of Appeals.

The Agricultural District is defined in Article VII, Section 109-33 of the zoning ordinance. Permitted uses in this district include any use permitted in the Residence District, as well as any lawful purpose customary to the operation of a farm, except a hog farm. An additional allowed use includes sales at a temporary roadside stand. Uses allowed with the issuance of a special use permit include limited business use, hotels, motels, tourist cabins, and sawmills.

The Planned Development District is defined in Article VIII, Section 109-35 of the zoning ordinance. Land may be used for any lawful purpose as authorized by the Town Board, but according to listed procedures.

The LWRP boundary overlays a portion of each of these zoning districts. According to the Town's Zoning Ordinance, the Aquifer Protection District is an overlay-zoning district. Therefore, allowed uses in this Aquifer Protection District are essentially the same as the underlying zoning district, but they are subject to the provisions of the overlay zone. These additional provisions have the intent of preserving the quality and quantity of the Town's groundwater resources in order to ensure a safe and healthy drinking water supply. There are three Aquifer Protection Areas. Aquifer Protection Areas I and II are designated as Critical Environmental Areas (CEA) pursuant to the State Environmental Quality Review Act and the Department of Environmental Conservation.

In addition to zoning, the Town utilizes a mobile home regulation that was adopted in 1962. This regulation was most recently amended in 1994. The Town of Homer also adopted a subdivision regulation in 1971, and it was most recently amended in 1989.

West Branch

Town of Preble

Zoning was initially adopted in 1971, and the Town most recently amended its regulations in 1997. The Town also utilizes site plan review, which is part of its zoning ordinance. There are a total of seven zoning districts in the Town.

- Agricultural District
- Residential Lakeside District
- Residential District
- Commercial District
- Industrial District
- Zone A (overlay district)
- Wetland (overlay district)

The Town's Zoning Ordinance mentions the purpose of each of these districts, essentially providing an environment for compatible uses and separating incompatible uses. Uses in each district are divided into permitted uses, permitted accessory uses, uses requiring site plan review, and uses requiring a special permit. A portion of each zoning district is located in the LWRP area.

The two overlay zoning districts provide an added layer of environmental protection for certain areas. Zone A overlay district boundaries are similar to the layout of the LWRP boundaries. This district restricts mining of sod, loam, sand, gravel,

aggregate, quarried stone except in connection with construction or maintenance of a lot. The Wetland overlay is meant to protect the Town's fragile and unique natural water resources, and ultimately the Cortland-Homer-Preble Aquifer. Any development that requires a building permit in the Wetland overlay also requires the issuance of a Special Permit by the Zoning Board of Appeals. The Special Permit review by the ZBA is meant to impose reasonable conditions on the development of land to help protect the sensitivity of a valued environment. The Wetland overlay district can be found within the LWRP boundary, near or on water bodies and in the Agricultural zoning districts.

The Residential District is defined in Article V, Section 501 of the zoning ordinance. Permitted uses in this district include one and two family dwellings. Uses requiring a special use permit include agriculture, multiple family dwellings, public and semi-public buildings, home occupations, mobile homes, mobile home parks, daycare centers, and temporary roadside stands.

The Residential Lakeside District is defined in Article V, Section 511 of the zoning ordinance, which requires two-acre lots. Permitted uses include seasonable homes and single-family dwellings. Uses requiring a special use permit include two-family dwellings, recreation areas, home occupations, and temporary roadside stands.

The Agricultural District is defined in Article V, Section 521 of the zoning ordinance. Permitted uses include agriculture and agri-business, riding stables, and poultry houses. Uses requiring a special use permit include mobile homes, home occupations, camp grounds, excavation and mining, farm labor camps, kennels, recreation areas, temporary roadside stands, one and two-family dwellings, and telecommunications towers.

The Commercial District is defined in Article V, Section 531 of the zoning ordinance. Permitted uses in this district include any use permitted in the Agriculture, Residential, and Residential Lakeside Districts, as well as business services including warehousing and storage, retail and wholesale business, and professional offices. Uses requiring a special use permit include motor vehicle repair stations/service stations, restaurants, hotels, motels, retail gasoline outlets, essential services, and temporary roadside stands.

The Light Industrial District is defined in Article V, Section 541 of the zoning ordinance. Any use of light industrial or agri-industrial nature is permitted which involves only the processing, assembly, or packaging of previously prepared or refined materials, provided that such use will not result in or cause a series of listed detriments to the environment. Uses requiring a special use permit include adult entertainment businesses and telecommunications towers. Residential uses are prohibited in this district.

The Town's subdivision regulations were initially adopted in 1978 and were most recently amended in 2002. Similar to the zoning regulations, the Town is working on an amendment for its subdivision regulations.

Village of Homer

Zoning was adopted in the Village of Homer in 1965 and was most recently amended in 2003. The Village uses site plan review as a practice within the realm of its zoning law. There are 10 zoning district classifications in the Village. There are two different residential districts, four different business districts, an industrial district, and three different planned development district classifications. Uses in each district are divided up into permitted uses, permitted accessory uses, uses requiring site plan review, and uses requiring a special permit. The Village's subdivision regulations were adopted in 1973 and were most recently amended in 2000.

The Residential-1 District is defined in Article II, Section 228-11 of the zoning ordinance. Uses permitted in this district are limited to single-family homes, not including mobile homes. The following uses are permitted subject to site plan approval: customary home occupations, churches, public schools, fire stations, cemeteries, public utility structures, parks, and two-family homes.

The Residential-2 District is defined in Article II, Section 228-12 of the zoning ordinance. Uses permitted in this district include single-family dwellings, not including mobile homes, two and three-family dwellings. Uses requiring site plan approval include four-family dwellings, professional and customary home occupations, churches, public and private schools, fire stations, cemeteries, electrical substation and public utility structures, eleemosynary or philanthropic institutions, adult care facilities, adult homes, enriched housing programs, family-type homes for adults, adult residences and care facilities, community centers, daycare centers, bed and breakfasts, libraries, parks and boarding houses.

The B-1 Neighborhood Business District is defined in Article II, Section 228-13 of the zoning ordinance. Uses permitted with site plan review in this district include apartments as accessory to businesses; retail stores; professional offices; banks; studios; personal service shops; restaurants; private schools; telegraph, telephone and other utility offices; incidental manufacture to retail business; public and semi-public uses; and all accessory buildings in connection with the listed uses.

The B-2 General Business District is defined in Article II, Section 228-14 of the zoning ordinance. Uses permitted with site plan review in this district include retail stores; professional offices; banks; studios; personal service shops; restaurants; private schools; telephone and other utility offices; incidental manufacture to retail business; public and semi-public uses; drive-in restaurants; gasoline service stations; wholesale businesses; warehouses; and railroad and bus stations.

The B-3 Research and Development District is defined in Article II, Section 228-14.1 of the zoning ordinance. Uses permitted with site plan approval include data processing and computer centers, laser technology applications, communications equipment sales, medical laboratories, research and testing facilities, and office buildings.

The Central Business District is defined in Article II, Section 228-15 of the zoning ordinance. Uses permitted in this district with site plan review include retail stores, professional offices, banks, personal service establishments, places of public amusement, eating and drinking establishments, incidental manufacture to retail business, funeral homes, multiple family housing, and public and semi-public uses.

The Industrial District is defined in Article II, Section 228-16 of the zoning ordinance. Generally, all industrial uses are permitted if they conform to standards set forth for site plan review. Residential uses are generally prohibited in this district.

The Planned Development Districts are defined in Article II, Section 228-17 of the zoning ordinance. Provisions are included for planned development districts to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan.

City of Cortland

The City's zoning code was initially adopted in the mid 1950's, and was most recently amended in February of 2004. Site Plan review was not a part of the City's land use management practice until this 2004 amendment was adopted. There are four residential zoning districts, a professional office district, a service district, two business district classifications, an industrial district classification, and a historic district overlay and/or architectural design district. The district regulations each list uses allowed by right as well as uses allowed, but require a special use permit.

The R-1 Residential District is defined in Article II, Section 300-11 of the zoning ordinance. Permitted uses in this district include single-family dwellings. Uses allowed with the issuance of a special use permit include ancillary parking areas, churches, home occupations, and public service utilities.

The R-2 Residential District is defined in Article II, Section 300-13 of the zoning ordinance. Permitted uses in this district include single-family and two-family dwellings. Uses allowed with the issuance of a special use permit include ancillary parking areas, bed and breakfasts, churches, fraternity or sorority houses, home occupations, and public service utilities.

The R-3 Residential District is defined in Article II, Section 300-15 of the zoning ordinance. Permitted uses in this district include single-family, two-family, and multifamily dwellings. Uses allowed with the issuance of a special use permit include ancillary parking areas, bed and breakfasts, churches, commercial indoor lodging,

extended care medical facilities, fraternity or sorority houses, home occupations, personal and professional services, and public service utilities.

The R-4 Residential District is defined in Article II, Section 300-17 of the zoning ordinance. Permitted uses in this district include single-family, two-family, and multifamily dwellings, as well as personal and professional services. Uses allowed with the issuance of a special use permit include ancillary parking areas, bed and breakfasts, churches, clubs, commercial indoor lodging, day-care centers, extended care medical facilities, fraternity or sorority houses, home occupations, and public service utilities.

The PO Professional Office District is defined in Article III, Section 300-20 of the zoning ordinance. Permitted uses in this district include art and photographic galleries and studios, bed and breakfasts, daycare centers, funeral parlors, mixed-use buildings, multifamily dwellings, personal and professional services, and single and two-family dwellings. Uses allowed with the issuance of a special use permit include ancillary parking areas, appearance enhancement services, churches, clubs, commercial indoor lodging, extended care medical facilities, financial institutions and services, fraternity or sorority houses, fuel stations, and public service utilities.

The SD Service District is defined in Article III, Section 300-22 of the zoning ordinance. Permitted uses in this district include appearance enhancement services, art and photographic galleries and studios, bed and breakfasts, daycare centers, dry cleaners, financial institutions, funeral parlors, indoor sales, mixed use buildings, multifamily dwellings, personal and professional services, private schools, and single and two-family dwellings. Uses allowed with the issuance of a special use permit include commercial indoor entertainment, fuel stations, motor vehicle services, public service utilities, and restaurants.

The GB General Business District is defined in Article IV, Section 300-25 of the zoning ordinance. Permitted uses in this district include ambulance services, appearance enhancement services, art and photographic galleries and studios, clubs, commercial indoor entertainment, commercial indoor lodging, commercial outdoor entertainment, dry cleaners, extended care medical facilities, financial institutions and services, fuel stations, indoor sales, mixed-use buildings, multifamily dwellings, outdoor sales, personal and professional services, private schools, restaurants, single and two-family dwellings. Uses allowed with the issuance of a special use permit include motor vehicle services, and public service utilities.

The CB Central Business District is defined in Article IV, Section 300-27 of the zoning ordinance. Permitted uses in this district include appearance enhancement services, art and photographic galleries and studios, clubs, commercial indoor entertainment, commercial indoor lodging, dry cleaners, financial institutions and services, indoor sales, mixed use buildings, multifamily dwellings, parking lots, personal and professional services, and restaurants. Uses allowed with the issuance of a special use permit include motor vehicle services, and public service utilities.

The GI General Industrial District is defined in Article V, Section 300-30 of the zoning ordinance. Permitted uses in this district include all uses allowed in any other zoning district, whether allowed by right or by special use permit, except single and two-family dwellings. Other permitted uses include concrete and paving plants, contractor's services, crematoriums, industrial activities, mass transit, and truck terminals. Any use not allowed by right may be allowed with a special use permit, provided it isn't prohibited elsewhere in the zoning ordinance.

The purpose of the Historic Overlay and/or Architectural Design District is to preserve the physical heritage of the City's past, present, and future historical development in its proper context. This practice is executed in such a way that it plays an economically viable role in the contemporary scene. The objective is to preserve, maintain, and extend the educational and cultural value in the understanding of the forces that gave or give the City community its special character.

Main Branch

Town of Cortlandville

Zoning was initially adopted in 1950, and the most recent amendment was made in 2003. The Town is currently working on another amendment to its zoning regulations to help manage the pressure from new development. The Town's zoning ordinance utilizes special use permit and site plan review provisions to help achieve desirable development. Because parts of the Town are located over a federally designated sole source aquifer, one unique element contained in the Town's zoning is an Aquifer Protection District, whereby proposed developments need to obtain a special permit from the Town Board, rather than a special use permit or conditional permit from the planning board.

There are nine zoning district classifications including the Aquifer Protection District. There are three different Residential district classifications, one agricultural district, two business districts, one industrial district, and one planned unit development district.

The Agricultural District regulations can be found in Article III of the zoning ordinance. Permitted uses in this district include farms, farm dwellings, temporary roadside stands, mobile home as an accessory farm use, home occupations, and single family dwellings. Uses permitted subject to site plan review include agricultural area related uses, religious institutions, cemeteries, and manufactured housing. Uses subject to special use permit include educational and cultural institutions, recreational and social activities, boarding houses, health and medical care services, and utility services.

The R-1 Residential District regulations can be found in Article IV of the zoning ordinance. Uses permitted in this district include single-family dwellings, and accessory residential uses. Uses permitted with site plan review include two-family dwellings, home occupations, agricultural related uses, churches, and cemeteries. Uses permitted

with a special use permit include customary home occupations, educational institutions, recreational and social activities, boarding houses and tourist homes, health and medical care services, and utility uses.

The R-2 Residential District regulations can be found in Article V of the zoning ordinance. Uses permitted in this district include single-family dwellings, and accessory residential uses. Uses permitted with site plan review include two-family dwellings, and churches. Uses permitted subject to special use permit include customary home occupations, educational institutions, recreational and social activities, boarding houses, health and medical care services, and utility uses.

The B-1 Neighborhood Business District regulations can be found in Article VII of the zoning ordinance. Uses permitted in this district include single-and two-family dwellings, and accessory residential uses. Uses permitted subject to site plan approval include multiple dwellings, professional offices, personal service establishments, hotels, motels, and rooming houses. Uses permitted with a special use permit include multiple-family dwellings, churches, public and private schools, libraries, public and private clubs, parks and playgrounds, public swimming pools, clinics, nursery or child daycare services, and mortuaries/funeral homes.

The B-2 Highway Commercial Business District regulations can be found in Article VIII of the zoning ordinance. Uses permitted in this district include single-and two-family dwellings, and accessory residential uses. Uses permitted with a site plan include all uses permitted with a site plan in the B-1 District, sales establishments, banks, indoor restaurants and taverns, veterinary clinics, indoor theaters, indoor commercial recreation facilities, and automobile sales. Uses permitted subject to special use permit include multifamily dwellings, churches, schools, libraries, public and private clubs, parks and playgrounds, public swimming pools, miniature golf, golf courses, and driving ranges, campgrounds, outdoor amusement centers, hospitals, clinics, daycare centers, nursing homes, mortuaries/funeral homes, cemeteries, commercial garages, car washes, restaurants, motor vehicle leasing facilities, outdoor sales, animal hospitals, and used car sales.

The I-1 Light Industrial District regulations can be found in Article IX of the zoning ordinance. Uses permitted with site plan approval include offices, warehouses, storage facilities, agriculture-related farm dwellings, light manufacturing, administrative or product development facilities, scientific research and testing laboratories, data processing and computer service centers. Uses permitted with a special use permit include hotels, motels, sales establishments, commercial recreation facilities, manufacturing, religious institutions, educational institutions, health and medical care services, outdoor sales utility uses, and any combination of light industrial use. According to the Town Clerk, the Town's subdivision regulations were adopted in 1967 and have not been amended since that time.

Village of McGraw

Zoning was initially adopted in 1966, and the most recent amendment was adopted in 1999. The Villages zoning separates potentially incompatible uses by creating districts that accomplish such separations. There are five residential districts that encourage development from low density, single-family homes, to high density, multi-family dwelling units. Other districts include a general business district, two industrial districts, and a groundwater protection overlay district. The Village's zoning regulation also has provisions for site plan review, which enables a reviewing body to guide the development and layout of a particular parcel of land.

The R-22 Residential District regulations are found in Article IV, Section 175-9 of the zoning local law. Uses permitted in this district include single-family homes, and the operation of greenhouses and antique shops in conjunction with a single-family dwelling. Uses permitted with a special use permit include community facilities, and home occupations.

The R-15 Residential District regulations are found in Article IV, Section 175-10 of the zoning local law. Uses permitted in this district include single-family dwellings, community facilities, and community centers. Uses permitted with a special use permit include customary home occupations, and two-family residences.

The R-10 Residential District regulations are found in Article IV, Section 175-11 of the zoning local law. Uses permitted in this district include single-family dwellings, and two-family dwellings. Uses permitted with a special use permit include two-family residences, customary home occupations, and professional offices.

The RM-8 and RM 16 Residential District regulations are found in Article IV, Section 175-12 of the zoning local law. Uses permitted in this district include single-family dwellings, professional offices, customary home occupations, two- to six-family dwellings, and garden apartments. Uses permitted with a special use permit include nursing homes, private schools, and churches.

The GB General Business District regulations are found in Article V, Section 175-13 of the zoning local law. Uses permitted in this district include ambulance services, antique dealers, art galleries, artist studios, banks, barber and beauty shops, billiard parlors, businesses, professional offices, caterers, churches, clubs, conversions of one- to two-family dwellings, decorators, dressmakers, drug stores, florists, garden apartments, hardware stores, hospitals, laundromats, liquor stores, medical or dental clinics, mid-rise apartments, mixed-use buildings with apartments, newsstands, two-three- and four-family dwellings, printers, private schools, public libraries, fire stations, police stations, parking lots and garages, recreation centers, restaurants, shoemaking/repairing, tailors, taverns, tobacco shops, townhouses, upholsterers, clothing stores, retail sales, and grocery stores. Uses permitted with a special use permit include automotive equipment sales, gasoline stations, service stations, automobile lots, drive-in restaurants, furniture and appliance repair and sales, warehouses, bowling alleys, kennels, adult uses, car washes, veterinary establishments, skating rinks, and motels.

The I and IT Industrial District regulations are found in Article VI, Section 175-14 of the zoning local law. Uses permitted in this district include lumber and coal storage yards; small tool manufacturing of clothing; grain and fertilizer storage; outside storage; and employee recreation. Uses permitted with a special use permit include apartments, and public utility services.

The regulations for the Groundwater Protection Overlay District are found in Article VIA of the zoning local law. The purpose of the district is to eliminate and prevent groundwater contamination in the vicinity of the shallow wells that supply public water.

The Village's current subdivision regulations were adopted in 1994. These regulations were based upon a previous subdivision ordinance, but the initial date of adoption of the original is unknown.

Town of Virgil

The Town initially enacted a zoning law in 1979, which was most recently amended in 2003, and will soon be replaced with a new zoning law. The Town's zoning law does have provisions for site plan review. There are five zoning district classifications in the Town of Virgil, although the only zoning district that lies within the LWRP area is the Agricultural-Residential district. This district provides an area where residential and recreational development may take place without adversely affecting the active agricultural activities. Permitted uses by right in this district include public parks, agricultural, single-family residential, and community facilities. Other uses require a Special Permit be obtained.

Town of Lapeer

There are no land use regulations, nor is there an adopted comprehensive plan in the Town of Lapeer.

Town of Marathon

The existing zoning ordinance in the Town was adopted in 1970 and was amended in 1992. The Town utilizes site plan review as a land use management tool, which is part of the zoning ordinance. There are four zoning districts in the Town. The LWRP area encompasses the Agricultural, and Commercial districts, while the Industrial and Residential districts not within the LWRP boundaries. The Town also has a Mobile Home Ordinance that was adopted in 1992. Practically speaking, this regulation could be managed by the zoning ordinance itself, without needing a separate ordinance.

The Agricultural District regulations can be found in Article IV, of the zoning ordinance. Uses permitted in this district include single and two-family dwellings, and farms. Uses permitted with a special use permit include agricultural sales and services, wholesale dairy processing and manufacturing, feed storage and distribution, sanitary landfill operations, and camping grounds.

The Commercial/Business district regulations can be found in Article VI of the zoning ordinance. Uses permitted in this district include all uses permitted in the residential district, retail stores, banks, offices, personal services establishments, restaurants, plumbing and heating shops, automobile sales establishments, and mobile homes. Uses permitted with a special use permit in any district include private clubs, golf courses, parks, playgrounds, hospitals, nursing homes, cemeteries, charitable and educational services, tourist homes, boarding and rooming houses, air landing fields, excavation and topsoil removal, and mobile home parks.

The Town adopted a subdivision regulation in 1970 and its most recent amendment was completed in 1993.

Village of Marathon

Both a zoning law and a subdivision law were adopted in 1970. Site plan review is a practice in the Village as part of the zoning law. There are four zoning districts in the Village including a Business, Industrial, and two Residential districts. The Business, Residential I, and Residential II districts surround the Tioughnioga River throughout the Village. There have been no amendments to either of the land use regulations since the initial date of adoption.

The R-1 Residential District regulations can be found in Article IV, of the zoning ordinance. Uses permitted in this district include single-family dwellings, farms, and churches. Uses permitted with a special use permit include private clubs, parks, playgrounds, hospitals and nursing homes, cemeteries, charitable and educational services, nursery schools, excavation and topsoil removal, and greenhouses.

The R-2 Residential District regulations can be found in Article V, of the zoning ordinance. Uses permitted in this district include all uses permitted in the R-1 District and two-family dwellings. Uses allowed with a special use permit include all uses allowed with a special use permit in the R-1 District as well as multifamily dwellings.

The Business District regulations can be found in Article VI of the zoning ordinance. Uses permitted in this district include all uses allowed in the R-2 District, retail stores, banks, business offices, personal service establishments, mortuaries, restaurants, hotels, motels, theatres, recreation establishments, kennels, pet shops, veterinary establishments, and automobile sales. Uses permitted with a special use permit include gasoline service stations, commercial garages, advertising devices, and all uses permitted with a special use permit in the R-1 district.

The Industrial District regulations can be found in Article VII, of the zoning ordinance. Uses permitted in this district include all uses permitted in any other zoning district, except the following are prohibited: the production of chemicals from raw materials, cement, explosives, fertilizer, paint products, rubber, soaps, starch and by-products of coal, coke, petroleum, and natural gas; the milling or processing of wood pulp and fiber, flour, feed or grain; the reduction, refining, smelting, and alloying of metal ores; the distillation of bones; the operation of stock yards, slaughter houses, and rendering plants; the operation of junkyards, automobile graveyards, and disassembly plants.

Municipalities that have adopted land use regulations such as zoning, site plan review, and subdivision regulations are communities that have the authority to manage land use developments. Generally, the City of Cortland, Villages of Homer, McGraw, and Marathon, and the towns immediately surrounding these municipalities are better equipped to manage future development, and preserve specified areas for recreation or environmental purposes. The land use regulations in these municipalities allow for a local review process to assure that development and preservation goals are being met for each individual community. It is evident that several municipalities have kept their land use regulations up-to-date, as new ideas in regulating land use have evolved over time. Changing priorities and conditions may also constitute the need for an updated comprehensive plan and subsequent land use policy updates. The Towns that are not equipped with land use regulations, or have minimal oversight as to how their community will be developed are the Towns of Lapeer and Cuyler. Lapeer has no land use management policies, and Cuyler has subdivision and a site plan review process for mobile home parks only. The subdivision regulations for each of these towns are each more than 10 years old.

2. LOCAL LAWS NECESSARY FOR IMPLEMENTATION

It is essential that each municipality in the Tioughnioga River LWRP adopt the LWRP Consistency Law that is included in Appendix 1. This law will ensure that all municipal and State actions within the LWRP will be reviewed for consistency with the LWRP. The Consistency Law is further detailed in Part 6 below. A draft Waterfront Assessment Form to assist in reviewing projects is included in Appendix 2.

The adoption of the LWRP Consistency Law is the only local law necessary for implementation of the Tioughnioga River LWRP. Part 3 below details new local laws, or changes to existing local laws, that are recommended for adoption at the time the consistency law is adopted, or shortly thereafter, but are not critical to implementation. Part 4 details local laws that may be considered in the future to fully realize the goals and policies of the LWRP.

3. LAWS RECOMMENDED FOR ADOPTION/CHANGE TO MAXIMIZE CONSISTENCY AMONG LWRP MUNICIPALITIES

This section delineates the proposed changes, additions, and/or local laws and regulations that, while not necessary for full implementation of the LWRP, are strongly recommended to be enacted at the time the LWRP is enacted to ensure greater consistency among LWRP municipalities. Some of these regulations are in force in some municipalities, but not all. In order to create uniformity and consistency of treatment throughout the LWRP, it is desirable to have them in effect in all municipalities.

City of Cortland

The City should revise zoning provisions pertaining to height. The City should establish a 35-foot height limit within all residential districts immediately adjacent to the River, a 65-foot height restriction in the Central Business District, and a 45-foot height limit within all other zoning districts. As an alternative, the City may choose to establish an overlay district to establish height restrictions within the Tioughnioga River LWRP only. Any new zoning districts should limit the height of structures within the corridor to 35 feet.

Town of Cortlandville

The Town should establish a minimum building setback of 50-feet from the Tioughnioga River within all zoning districts. In order to preserve the rural beauty of Cortland County's townships, the Town should adopt a minimum setback requirement from Interstate 81, but only where topography or natural features do not camouflage new commercial and industrial development. Additionally, the Town should revise zoning provisions pertaining to height. The Town should establish a 35-foot height limit within all residential districts and a 45-foot height limit within all other zoning districts. As an

alternative, the Town may choose to establish an overlay district to establish height restrictions within the Tioughnioga River LWRP only. Any new zoning districts should limit the height of structures within the corridor to 35 feet.

Town of Cuyler

The Town should adopt a site plan review local law to guide future development, and provide for planned arrangement of buildings, parking lots, signs, and landscaping on individual parcels. The adoption of a zoning law consistent with the LWRP is strongly encouraged. A Draft Site Plan Review Law is in Appendix 3.

Town of Homer

The Town should establish a minimum building setback of 50-feet from the Tioughnioga River within all zoning districts. Additionally, the Town should adopt zoning provisions pertaining to height. The Town should establish a 35-foot height limit within all residential districts and a 40-foot height limit within all other zoning districts. As an alternative, the Town may choose to establish an overlay district to establish height restrictions within the Tioughnioga River LWRP only. Any new zoning districts should limit the height of structures within the Corridor to 35-feet.

Village of Homer

Any new zoning districts should limit the height of structures within the Corridor to 40-feet.

Town of Lapeer

The Town should adopt a site plan review local law to guide future development and provide for planned arrangement of buildings, parking lots, signs, and landscaping on individual parcels. The site plan review law should provide design guidelines for riverfront properties. The adoption of a zoning law consistent with the LWRP is strongly encouraged. A Draft Site Plan Review Law is in Appendix 3.

Town of Marathon

The Town should establish a minimum 50-foot setback requirement from the Tioughnioga River within all zoning districts. Additionally, the Town should revise zoning provisions pertaining to height. The Town should establish a 35-foot height limit within all residential districts and a 40-foot height limit within all other zoning districts. As an alternative, the Town may choose to establish an overlay district to establish height restrictions within the Tioughnioga River LWRP only. Any new zoning districts should limit the height of structures within the corridor to 35-feet, except for agricultural related practices.

Village of Marathon

The Village should adopt a site plan review local law to guide future development and provide for planned arrangement of buildings, parking lots, signs, and landscaping on individual parcels. The site plan review law should provide design guidelines for riverfront properties. Additionally, the Village should revise zoning provisions pertaining to height. The Village should establish a 35-foot height limit within all residential districts and a 40-foot height limit within all other zoning districts. As an alternative, the Village may choose to establish an overlay district to establish height restrictions within the Tioughnioga River LWRP only. Any new zoning districts should limit the height of structures within the corridor to 40 feet. A Draft Site Plan Review Law is in Appendix 3.

Village of McGraw

The Village should revise height restrictions in its zoning regulations. The Village should establish a 35-foot height limit within all residential districts and a 40-foot height limit within all other zoning districts. As an alternative, the Village may choose to establish an overlay district to establish height restrictions within the Tioughnioga River LWRP only. Any new zoning districts should limit the height of structures within the Corridor to 40 feet.

Town of Preble

The Town should establish a minimum 50-foot setback requirement from the Tioughnioga River. Additional minimum setback requirements from other water bodies including Song Lake, Little York Lake, and Preble Swamp should be also be established at 50 feet. The Town should designate Preble Swamp as a Critical Environmental Area according to SEQRA. Any new zoning districts should limit the height of structures within the Corridor to 35-feet.

Town of Virgil

The Town should establish a minimum setback of 50-feet from the Tioughnioga River within all zoning districts. Any new zoning districts should limit the height of structures within the Corridor to 35 feet.

4. POTENTIAL FUTURE LAWS

As detailed above, municipalities in the river corridor have varying levels and types of land use management practices. Many practices often do not fully take into account the social, economic, and environmental impacts of development as it relates to the River, as well as the regional impact these actions can have. Land use management practices should preserve the character and environment associated with the River Corridor and its diverse communities, while not imposing regulations that are burdensome on economic development efforts and agriculture. They should establish a hierarchy of use density, from open spaces, to hamlets, to villages, to the City of Cortland, which should have the greatest densities.

The following laws, regulations, and processes can greatly enhance the positive impact of the LWRP. While the lack of these laws will not impede implementation of the LWRP, their development and adoption would significantly further the goals and policies of the LWRP; support the preservation and protection of those attributes determined to be of importance to corridor residents including open space, viewshed, water quality, community character, and historic resources; and encourage new, appropriate development. While it is not necessary that every municipality take advantage of all of these mechanisms, the economic and quality of life benefits to a municipality are greatly enhanced by their development and adoption.

Land use management practices should address, but not necessarily be limited to, the following issues:

- **Coordinated, Progressive Land Use Strategies** - The rural character of the river corridor, outside of hamlets, Villages, and the City, should be protected from inappropriate development that would alter such character, including the cumulative impact of smaller development over time. This includes the conversion of farmland to residential or commercial uses. New development should be encouraged within and immediately adjacent to development nodes along the corridor. Development nodes include lands in and immediately adjacent to established hamlets, the Villages, and the City of Cortland. LWRP municipalities should develop, in cooperation and coordination with each other, progressive land use strategies/regulations that achieve the goals and policies of the LWRP. As mentioned, land use ordinances, zoning laws, and site plan review regulations throughout the corridor should be developed to encourage new development, and redevelopment, and for this new development to occur within development nodes along the corridor. Development outside of such areas should be discouraged. This can be achieved through zoning that allows greater density levels, smaller lots and setbacks, and less restrictive height restrictions within and adjacent to already developed areas; encouraging clustered development; providing for the transfer of development rights outside development nodes; and relaxing minimum parking standards in developed areas. The Towns of Cuyler and Lapeer currently have no zoning ordinances and therefore development of ordinances in these towns should be a priority.

- **Site Design and Site Plan Review** - While most LWRP communities have some form of site plan review, enhanced site plan review practices will better protect the inherent scenic qualities of the River Corridor. This includes design guidelines that incorporate native vegetation in landscaping plans, mitigation of large expanses of paved parking areas, siting structures to reduce their visual impact as seen from major roadways and the River, and screening of unsightly buildings or site uses. In addition, buffers consisting of natural vegetation should be maintained within 25 feet from the all waterfronts and wetlands. Agricultural and single-family residential uses should be exempt from most site design requirements, although all development should include natural buffers adjacent to waterfronts and wetlands.

Site design requirements within development nodes (hamlets, the Villages, and the City) should provide more flexibility than elsewhere in the corridor. Site and development designs should follow traditional development patterns, and avoid “suburban” style residential development and commercial “sprawl” style developments. Development should include pedestrian-oriented amenities and features and accommodate mixed uses, thus limiting the need to drive long distances to work or for shopping, encouraging bike and foot traffic, and creating livable neighborhoods. The clustering of development is encouraged to retain open space.

- **Architectural Design Guidelines** - Architectural design guidelines should be adopted for all commercial structures and multifamily housing structures (five or more units) proposed in the Corridor. These design guidelines should be consistent throughout the Corridor, although they are most important along the waterfront, the I-81 Corridor, and in historic downtowns. Design guidelines should encourage the use of traditional building forms and styles found in the Corridor, consider the scale and detailing of structures, and use of natural materials. Building facades adjacent to the River or I-81 should receive the same treatments as primary facades. Structures within hamlets, The Villages, and the City should be consistent with neighborhood architecture.
- **Historic Preservation Ordinances** - Following the completion of a Corridor-wide historic resources survey, local municipalities should establish historic preservation ordinances to designate and protect local historic districts and buildings. Proposed alterations to the exteriors of designated historic buildings would need to be approved by a local historic commission. Proposed changes would not damage, alter, or diminish building features that are significant and contribute to the historic character of the building or area. Preservation ordinances are currently in effect in the Village of Homer, Village of McGraw, and City of Cortland.

4. OTHER IMPLEMENTATION ACTIONS

Comprehensive Plans

As detailed in Section IV Projects, Cortland County, and a number of County municipalities, do not have current comprehensive plans. The County, and any municipality that has a comprehensive plan more than 10 years old, should adopt new/updated comprehensive plans that incorporate the LWRP. This will ensure that County initiated actions and reviews, as well as locally initiated actions and reviews, are consistent with and supportive of the LWRP. While the LWRP can serve the purposes of a comprehensive plan within the LWRP boundaries, the preparation of a Cortland County Comprehensive Plan will provide a forum and opportunity to coordinate activities throughout corridor communities, and would be the first step in developing and implementing the progressive zoning and site plan recommendations detailed above.

Cortland Historic Preservation Organization

Cortland County does not have an organization whose express mission is to foster the identification, conservation, restoration, interpretation, adaptation, and renewal of the County's historic built environment, and to advocate for the preservation of such resources. This includes the multitude of historic resources in the River Corridor. It is recommended that a not-for-profit 501(c)3 organization be developed for this purpose.

Cortland County Main Street Organization

The LWRP includes four historic downtowns, including the three villages of Homer, McGraw, and Marathon, and the City of Cortland. The revitalization of these traditional commercial centers is a vital part of promoting development within and adjacent to developed areas, and preserving open space from sprawling commercial development. Cortland has recently developed the Cortland Downtown Partnership, a new non-profit organization based on the National Trust for Historic Preservation's successful four-point approach to downtown revitalization. A county-wide Main Street program should be developed for the three villages in the LWRP.

Environmental Management Council

Cortland County has an established Environmental Management Council (EMC), however, it has been inactive since the late 1990's. The EMC could serve as a vehicle for addressing and supporting environmental initiatives and actions related to the LWRP. The Cortland County Legislature should reactivate the EMC by appointing new members and requiring regular meetings.

Coordination of Intermunicipal Activities and Communication

The Tioughnioga River LWRP includes 11 different municipalities. While some issues identified in the LWRP are community specific, many encompass all or a portion of the 11 participating communities. It is important to develop mechanisms to foster communication and cooperation among LWRP communities. This should include an annual Tioughnioga River Summit to include elected officials and other stakeholders to discuss waterfront issues. A Tioughnioga River newsletter, whether printed or electronic, should be published twice a year. Other efforts to bring community leaders together on a corridor-wide basis should be considered. The Tioughnioga River Commission would be the appropriate entity to coordinate such activities.

Consistency Reviews

The New York State Environmental Quality Review Act (SEQRA) classifies projects and actions as Type I, Type II, and Unlisted. Type II actions are those that have been pre-determined by New York State as likely not to have significant adverse environmental impact, and will not be subject to any consistency reviews under the LWRP. Type I and Unlisted actions, as defined under SEQRA regulations taking place within the LWRP boundaries, or otherwise addressed in the LWRP, will be subject to a local review for consistency with the LWRP.

The Tioughnioga River Local Waterfront Revitalization Program encompasses all or parts of 11 municipalities in Cortland County. While many of these municipalities have local planning boards, none have professional planning personnel on staff. The Cortland County Planning Department is the only local governmental entity with professional planning staff. Due to the multi-jurisdictional nature of the LWRP, and the importance of professional input into the review process (as can be provided via the Cortland County Planning Department) the existing Cortland County Planning Board is the entity that should review Type I and Unlisted actions proposed to be undertaken within the LWRP boundaries and viewshed.

The Cortland County Planning Board is an 11-member board appointed by the Cortland County Legislature. They are charged with completing reviews as set forth in Section 239 (l, m, and n) of New York General Municipal Law. Since many projects that will require review under the LWRP will otherwise require a Section 239 review, the designation of the Planning Board as the reviewing entity for the LWRP will streamline review processes and ensure uniformity in related decisions.

The review of projects under the LWRP will use a process similar to the existing Section 239 review process used in the County. Local municipalities will refer projects to the Cortland County Planning Department, which will review actions and provide a recommendation to the Planning Board. A Waterfront Assessment Form, included in Appendix 3, will be completed and submitted to the Planning Department to assist in reviewing projects. In certain circumstances, the project will be referred to the Cortland County Consolidated Review Committee for their expert input prior to referral to the

Planning Board. The Planning Board, taking into account the comments and recommendations of the Planning Department and the Consolidated Review Committee, will make a final determination as to whether or not a proposed action is consistent with the LWRP. The Cortland County Planning Department will formalize specific procedures in order to accommodate and process such reviews.

In order for the Planning Board to assume these duties, the following actions will need to be undertaken.

- 1) Adoption of the LWRP consistency law by each of the 11 involved municipalities. A draft consistency law is included in Appendix 1.
- 2) Adoption of an authorizing law/resolution by the Cortland County Legislature to allow the Planning Board to review actions.

Prime Responsibility For Plan Implementation

The proper management of the broad scope of projects to be undertaken in the LWRP will require significant manpower and effort over a sustained period of time. Individual municipalities and organizations will be responsible for supporting and implementing projects and activities in their respective communities. It is important, however, that a single entity assume the prime responsibility for fostering implementation of the LWRP, act as a continued forum for involved communities to identify and address issues, and coordinate intermunicipal activities. The most appropriate entity for this role is the existing Tioughnioga River Commission.

The Commission is a working group of the Cortland County Business Development Corporation (BDC) and is supported by the Cortland Local Development Corporation. The Commission's stated role is to focus on economic development, environmental conservation, tourism promotion and community revitalization along the river corridor. The Commission includes representation from many stakeholder organizations, including the Cortland Line Company, Cortland County BDC-IDA, Cortland County Planning Department, Cortland County Convention and Visitors Bureau, Cortland County Cultural Council, NYS DEC - Regional Fisheries, Cortland County Soil and Water Conservation District, Trout Unlimited, Central New York Rails to Trails Conservancy, SUNY Cortland, Cortland-Homer Teachers Center, area school districts, and the Cortland County Historical Society.

This organization's future efforts should focus on implementing policies and projects identified in the LWRP; act as a catalyst for implementing the LWRP by encouraging, supporting and assisting LWRP communities, organizations, and individuals in implementing such policies and projects; serve the central role in furthering river development and stewardship; and foster communication and cooperation among stakeholders.

The Commission, as a working group of the BDC, has no staff of its own, although it is served by the professional staff of the BDC. It also receives staff support from the Cortland County Planning Department and the Cortland County Convention and Visitors Bureau.