

Town of Southport Zoning Ordinance Update Steering Committee Meeting #2

Wednesday November 12th, 2014
5:00-6:30pm
Southport Town Hall

MEETING NOTES

Present Lisa Nagle, Elan Planning, Design & Landscape Architecture, PLLC.
Nicolette Barber, Hunt Engineers, Architects & Land Surveyors, P.C.
Tillie Baker, Hunt Engineers, Architects & Land Surveyors, P.C.
Justin Faulkner, Zoning Board of Appeals
Glenn Gunderman, Town Board
Marcia Kimball, Resident
Brent Mitchell, Resident
Peter Rocchi, Code Enforcement
Joseph Roman, Town Board
Susan Silvers, Resident
Mike Stephens, Planning Board
Dan Williams, Zoning Board of Appeals

Not Present Linda Olthof
Chris Parsons

The minutes from the last meeting were amended to add David Sheen to the list of attendees.

1. Use Table Subcommittee Report

The use table subcommittee met prior to the meeting to go through the existing Use Table. They found a number of inconsistencies between the uses allowed in CR and CN districts, for example, vehicle repair is not allowed in CN, but vehicle sales are. The committee saw no reason why vehicle repair could be allowed in both zones with site plan review. Flea markets, which are not currently permitted in any zones, should be allowed in certain areas. The group also discussed several specific parcels, including the former site of the Brookside trailer park on Cedar Street, which is currently zoned residential. Adding residential uses to CR (except for single-family homes) would enable developers to pursue mixed use developments in CR districts. The committee also discussed removing the Residential Transition (RT) zone, because it isn't strongly distinguished from CN or CR.

Even though the CN and CR districts have few differences according to the use table, they are quite distinct in intent, with the main difference being that residential uses are allowed in CN but not CR. It is possible to update these descriptions. Furthermore, if the Committee decides that there are relatively few differences between CR and CN in terms of land use, but that these zones are different in character, the distinction could be enhanced through density requirements. For example, 85-100% lot coverage (or more stories) could be required in CR, with a lower lot coverage percentage (say, 65%) required in CN.

A form-based code is concerned with the *character* of zones more than the uses. Lisa showed the Committee an example of what the density requirements will look like on the page using the code developed for Wappingers Falls, NY. Rather than focus on *use*, the Committee should think about the *form* of buildings (configuration of primary and accessory structures, maximum lot coverage, where parking is located, and setbacks). In a true form-based code, no restrictions are placed on use; because the form of buildings will regulate use (heavy industry will not locate in a dense, mixed-use building). Once the code is adopted, existing buildings will be classified as preexisting nonconforming structures. This does not mean that an existing structure cannot be altered: if an owner wishes to extend a nonconforming structure, for example, the planning board would look at the form of the structure rather than the use proposed.

The form-based code for Southport will regulate dimensional requirements by *district*, not *use*. Language in site plan review can be included to allow flexibility for planning board to grant relief to developers. It is important to remember that too much flexibility can also be a problem. For example, flexible arrangements may work for the current planning board, but may stymie future boards when disagreements arise. A clear set of regulations will enable officials to carry out their duties more easily.

2. Zoning District boundaries

The group discussed whether the commercial districts intrude too far into the neighborhoods. Along Cedar Street, for example, the CR district is seven parcels deep along Richard Street, and the Pennsylvania Avenue CR district is also very deep on the east side of the street. There are also instances along Cedar where one side of the road is commercial and the other residential—it is good practice to avoid these contrasts. There was some discussion of whether the CR zone along Pennsylvania Avenue should be changed to CN or even residential. The CR zone abuts an industrial zone, making it an unlikely candidate for more residential zoning, but higher density residential, such as R3, could be an option here. The subcommittee will meet again to look at properties on the periphery of the CN and CR zones to determine whether these parcels should be zoned commercial or be converted back to residential. The Pine City map should include both CN areas.

Action: Lisa to reprint map to include both CN areas.

3. Contractors' equipment yards

The Committee discussed the best location for contractors equipment yards, which should not be in close proximity to residential areas, but also don't suit commercial districts because they require large parcels of land. The group agreed that the size, weight, and frequency of truck traffic generated by contractors' equipment yards are of greater concern than buffers. The Town has the ability to control land use on private property through zoning, but is limited in what it can do on public roads. The Town could consider adopting a complete streets policy and updating the existing road use agreement. The Town could also advocate for complete streets to be included in ECTC's long-range plan, which is in progress. However, these actions are not within the scope of the zoning project.

4. Cedar Street

The CR area along Cedar Street has both commercial uses and single family homes. The Steering Committee did not have a sense of Cedar Street moving strongly towards either residences or offices. Part of the rationale for updating the zoning code is to make sure the law aligns with what the Town residents would like to see happen—the change itself will be market driven. Once a market gains strength, there is unlikely to be a predominance of any single use with a form-based code in place.



A visitor commented that the Committee should examine traffic patterns to ensure that heavy vehicles can quickly enter and exit the sites they serve. He pointed out that there are a handful of parcels that are suitable for semi-industrial businesses along Main Street and Cedar Street. He feels that Cedar Street would be better suited to semi-industrial uses than the higher-density Main Street development being discussed. The consultants will discuss this perspective further on the walking tour scheduled for Thursday, November 13.

The owner of Southtown plaza is interested in increasing the density of the site by potentially adding a story. He will be visiting in December.

Action: Steering Committee members to let Nicolette know if they want to attend this meeting. Joe Roman and Glenn Gunderman will be attending.

Next meeting: December 16, 5:00pm at Town Hall.