



SECTION XII. LAND USE AND ZONING

Land use planning involves making decisions about how to categorize various land uses and assess the interaction between them, while determining how to best use and preserve valuable built and natural resources. These decisions influence the landscape across the Town of LaFayette, including development patterns, agriculture, and open space. They can also encourage or hinder commercial and industrial growth. And finally, land use patterns are closely tied to issues of sustainability, such as the preservation of continuous natural corridors or reducing reliance on non-renewable energy resources.

LAND USE CLASSIFICATION

Each parcel of land in the Town is classified and coded for tax purposes according to its current land use. While there may be circumstances where a single parcel has more than one use, the parcel is classified according to its primary use. For example, there may be a residence with vacant acreage, but the parcel will be classified as residential. Each parcel also sits in a zoning district that regulates the use and other requirements for that parcel.

The majority of land in LaFayette is categorized as residential, vacant, or agricultural. Chart __ and Table __ below provide detailed land use percentages. More than a third of the Town's acreage is residential, however, it is important to note that 62% of residential acreage is made up of residential parcels with ten or more acres.

Chart __: Percent Acreage by Land Use

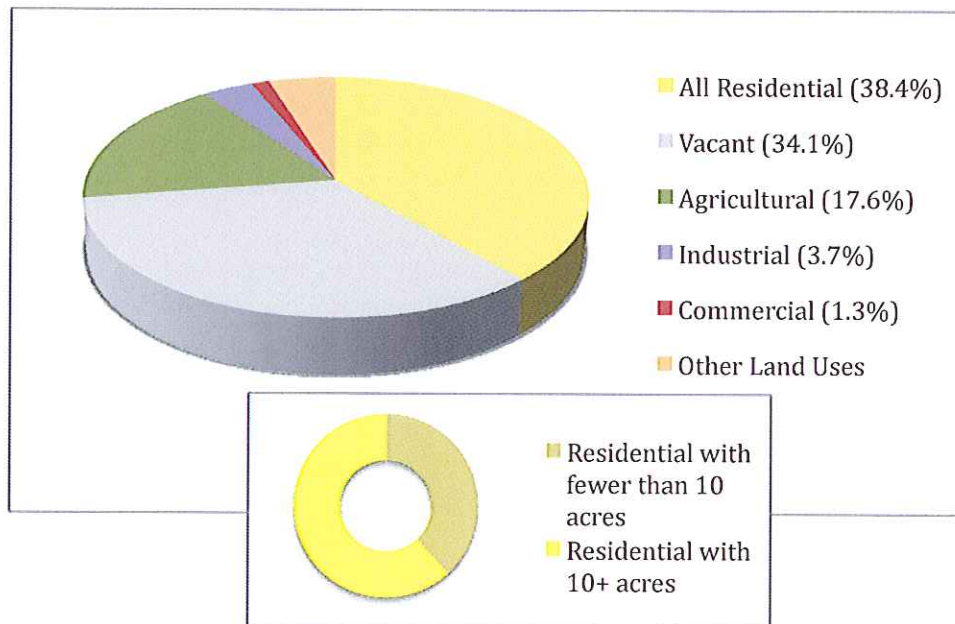




Table __: Comparison of Land Use

Land Use	Acreage*	% of Total Land Use	Number of Parcels*
Residential	10,443	38.4	1,694
Vacant	9,278	34.1	646
Agricultural	4,775	17.6	88
Industrial	1,002	3.7	9
Wild, Forest, Conservation	470	1.7	11
Public Services	438	1.6	23
Commercial	361	1.3	61
Recreation & Entertainment	270	1.0	14
Community Services	157	.6	28
TOTAL	27,194	100%	2,574

*Acreage and parcel numbers determined from 2010 Real Property Services Tax Data.

Residential parcels are scattered throughout the entire Town, along Town roads and highways, and grouped in neighborhoods in some areas (See Map__: Land Use). Some of the more notable neighborhoods include Meeker Hill Estates, Maple Grove, and neighborhoods near the Jamesville Reservoir, around the LaFayette High School, and in the hamlets of LaFayette and Cardiff. Land classified as vacant is also scattered throughout the Town. Most of this is classified as either residential vacant land, meaning it is located in a residential area; abandoned agricultural land that is not productive or part of an operating farm; or other rural vacant lands, such as waste lands, swamps, rocky areas, or woods of commercial tree species. Most of the agricultural land is located in one of three areas, West of I-81; along Eager Road; or southeast of Route 20 and Apulia Road. Commercial land, public services, recreation, industrial, and community services are mostly located in the Hamlet of LaFayette or north of the Hamlet along Route 11.

ZONING DISTRICTS

The Town of LaFayette's Zoning Ordinance was adopted in 1970. The ordinance includes zoning regulations for eight districts, including Agricultural-Residential, Flood Plain, Residential Planned Cluster, Residential Multi-family, Business, Industrial, Commercial Planned Development, and Hamlet, as seen on Map __: Zoning. The amount of acreage included in each district can be seen in Chart __ and Table __ below. No Commercial Planned Development districts have been established in the Town at this time. The ordinance also includes additional land use regulations such as for parking, signs, building height, corner lots, roadside stands, family accessory units, and windmills.



Chart __: Percent Acreage by Zoning

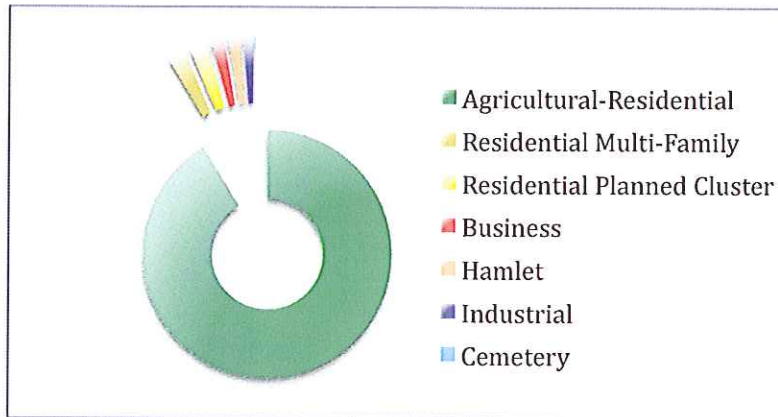


Table __: Comparison of Zoning

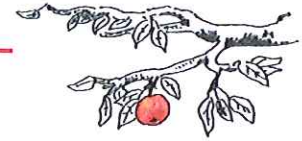
Zoning	Acreage	% of Total Zoning
Agricultural-Residential	25,128	91.3
Residential Multi-Family	603	2.2
Residential Planned Cluster	594	2.2
Business	442	1.6
Hamlet	400	1.5
Industrial	336	1.2
Cemetery	12	0
<i>Flood Plain*</i>	1,182	4.3

**Floodplain zoning overlays other zones.*

A description of each zoning district is detailed below:

Agricultural-Residential (AR) – The majority of the Town, 91.3%, is zoned as AR. Farms and their accessory units, and single family dwellings are permitted in this district. By special use permit, camps, storage trailers, outdoor recreational, commercial animal crematoriums, public and private stables, and windmills are also permitted uses in this districts. The land use classifications across the district generally align with the permitted uses with few exceptions. AR uses are also permitted in Residential Planned Cluster, Residential Multi-Family, and Business districts.

Flood Plain (F) – The Flood Plain district follows the federally designated 100-year floodplains in the Town, mostly along Butternut and Onondaga Creeks. The F district is an overlay district, with most of it overlaying parcels in the AR district. The F district permits AR uses, however, they must meet a few additional requirements, meant to reduce the impact of flooding on built structures. Structures must be approved by the Planning Board; cannot contain a basement or cellar; the first floor must be at least two feet above the highest elevations of land within the district; and all “fill” used for structural



support must be highly compacted and adequately protected by riprap or other means against water erosion.

Residential Planned Cluster (RPC) – There are two RPC districts within the Town, one which includes the neighborhood west of the Jamesville Reservoir, and another just southeast of the LaFayette Hamlet, off of Route 20. The RPC districts permit all AR uses, with different requirements if the district is served by “public water and sewage utilities”, neither of which is defined in the ordinance. The RPC district adjacent to the Jamesville Reservoir is served by a public water district, however, the other district is not, and there is no public sewer system in the Town.

Residential Multi-Family (RM) – There are a few areas in LaFayette zoned RM, including several lots west of I-81 along Webb Road, a few lots along the east side of Route 11, north of the Hamlet, a lot off of Palladino Road on the east side of Town, and a few lots in the northern part of Town, off of Smokey Hollow Road. AR uses and two-family dwellings are permitted in RM zoned areas, along with multiple family dwellings and mobile home parks with Planning Board approval. Many of the parcels located in the RM district are apartment buildings, mobile home parks, or single family dwellings, and a few parcels are farmland. The parcels zoned as RM in the northern part of Town are classified as an industrial land use.

Business (B) – There are two areas which include a grouping of parcels zoned Business, both along Route 11 north of the LaFayette Hamlet. Very few of these are vacant, and there are wetlands limiting development in some of those that are. There are also a few other individual parcels located in Agricultural-Residential areas that are zoned Business, including the Apple Festival grounds. Business districts permit AR uses, and with approval, they permit RM uses, warehouses, businesses involved in light manufacturing, retail stores and personal services, shopping centers, banks and offices, restaurants and taverns, motels, hotels, and a variety of other specified businesses.

Industrial (I) – There are two areas in the Town that are zoned industrial, with a few other scattered parcels. The two main industrially zoned areas are along the west side of Route 11, north of the LaFayette Hamlet, and west of I-81 off of Groth Road. Industrial zoning permits all Business uses, including AR and MF uses, in addition to lumber yards, and with approval, junk yards and adult entertainment uses. Along Route 11, none of the uses are classified as industrial, instead Stafford Park, and a few businesses and single-family dwellings make up the district. The industrial district on the west side of I-81 includes some industrial uses, a mobile home park, and some vacant land.

Commercial Planned Development (CPD) – CPD is essentially a floating zone with no set location until a zone change is approved by the Town Board. A developer can submit an application to create or modify a CPD for Town Board approval.

Hamlet (H) – Hamlet zoning is in place around the Hamlet of LaFayette, at the intersections of Route 11 and Route 20. A variety of specified uses are permitted in this district meant to accommodate a range of uses traditionally found in rural hamlets, such



as residential, community services, and commercial that are compatible in scale and character with a rural hamlet.

SUBDIVISION REGULATIONS

The Town of LaFayette Subdivision Regulations were written and approved in 1987. The purpose of the regulations, as stated in the document, is to “provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population”. The Planning Board must approve the division of any parcel of land into two or more lots, including any re-subdivision, or if the second lot is being sold, rented, or leased. The Subdivision Regulations provide a process and requirements for the subdivision of lots, with added requirements for any Major Subdivision, defined as five or more lots, or a subdivision requiring a new road.

ZONING RECOMMENDATIONS

Zoning Ordinance - The Zoning Ordinance was written over 40 years ago and has been amended 30 times since. There is certain language in the ordinance (e.g. controlled site approval) that is no longer consistent with the language used by New York State and many other communities today. The number of amendments has caused the document to be difficult to read and understand. Re-writing the Zoning Ordinance to reflect current language and make it more consistent with other communities will create a more “user-friendly” ordinance for the common layperson, business-owner, or developer. It should be rewritten to support the Town’s goals which emerge from the Comprehensive Plan.

There are several ways a new Zoning Ordinance can be modernized and made easier to understand, including, but not limited to, the following:

- Separate the “uses” and the “requirements” for the districts into different sections of the ordinance to make it easier to understand.
- Separate the overlay districts (e.g. Floodplain, Commercial Planned Development, etc.) from the primary districts (e.g. Business, Industrial, etc.)
- Do not use cumulative zoning, whereby every less intensive use is allowed in the more intensive districts. For example, single family homes are allowed in industrially zoned districts, which could easily create a conflict between neighboring properties, or could leave little room for new industry if housing is built throughout the entire district.
- Include more detailed Floodplain regulations (refer to federal regulations as noted in NYS regulations).
- Remove “Adult Entertainment Uses” from the Zoning Ordinance and put these regulations into a separate ordinance, eliminating the option for “adult uses” to obtain a variance.



- Include more and stronger definitions. Remove lengthy regulations from the definitions section.
- Since the adoption of the 1970 ordinance, NYS law regarding the granting of area variances has changed. The new ordinance should emphasize the need for the ZBA to consider, “detriment to the health, safety and welfare of the neighborhood and community” when granting area variances.

Re-writing the Zoning Ordinance should also involve making changes to the zoning map. For example, the Town should rename the AR district “Agricultural” and create new Residential districts, as is described below under the “Support Agriculture” section. The Town may not want to include a separate Residential Multi-Family district, but instead simply allow multi-family residential uses in another district. In addition, the Town should consider eliminating existing island districts, which may be perceived as “spot zoning”, where a single parcel is zoned differently than the surrounding uses. For example, the location of the Apple Festival Grounds is zoned Business, while everything around it is zoned AR, so a large shopping complex could be built there if the parcel was ever sold. Instead this parcel should be considered an existing non-conforming use, and should be zoned AR.

The Town’s Subdivision Regulations have been developed more recently and do not need to be completely rewritten, however, there are several ways the Town could update the regulations to strengthen them.

- “Major Subdivision” is currently defined as “a subdivision containing five or more lots...” The amount of time over which subdivisions can be made should be included. For example, “a subdivision containing five or more lots over three years.”
- The Town should add regulations for a “Lot Line Adjustment” to simplify the process if someone wants to move their lot line and change its size by less than 10% of the original size of the lot.
- Include more and stronger definitions.
- Change “Variance” in Section 150 to “Waiver” so it is not confused with a zoning variance.
- Where the document states, “The 1970 Zoning Ordinance of the Town of LaFayette”, the year “1970” should be removed so that the regulations refer to the current adopted zoning ordinance.
- Fees can be removed from both the Ordinance and Subdivision Regulations and instead listed on a separate fee schedule that is referenced in both documents, leaving the ability to change the fee amounts as needed without going through a zoning amendment.

Reduce Impediments to Economic Development - Rewriting the Town’s Zoning Ordinance is an important first step to reducing impediments to the development or expansion of businesses. Providing an easier to understand ordinance and streamlined procedure will help businesses that want to open or expand in LaFayette. As part of the process of rewriting the ordinance, LaFayette should consider expanding the area included in its Hamlet and/or Business districts. There are few vacant parcels



in the existing Business District that do not have wetlands running through them, and there are few vacant parcels in the Hamlet District. The Town should also review the allowable uses and requirements in the Business and Hamlet Districts to be sure they are consistent with LaFayette's goals. For example, in the Hamlet, restaurants and taverns are only permitted to serve customers indoors, prohibiting outside dining. When examining these two districts more closely, the Town may find it is necessary to consider alternatives to the Hamlet and Business zoning districts currently in place. Whatever districts are used, the Town should ensure that the zoning achieves their goal of sustaining and encouraging a mixed-use, more developed town center.

The Town should also work cooperatively with property owners and developers to plan for and create a commercial business park. See Section IV: Economic Development for more details.

The new Zoning Ordinance should clearly outline Sketch Plan Review requirements (also known as Concept Plan Conference). Providing the opportunity for a submitting a sketch plan provides the applicant with the opportunity to consult early and informally with the Planning Board in order to save time and money and facilitate opportunities for desirable development.

The Town needs to update its sign regulations by adding needed definitions, not allowing illuminated signs in residential districts, and reducing the allowed height from the current 25 feet. LaFayette should also develop and adopt minimum design guidelines for new development and major renovations in the Hamlet district. These will assist both the Town and developers to create buildings that will enhance the character of the Hamlet. Such requirements are often welcomed by developers as they remove a great deal of subjectivity in the planning review and approval process. See Section V: Hamlet Development for more details.

Home Occupations - According to the 2006-2010 American Community Survey (U.S. Census Bureau), 4.7% of people in the Town, or about 120 people, work from home. This number may rise in future years, as nationally there is an upward trend in the number of people telecommuting or running small businesses out of their homes.

Home occupations are currently permitted in the Agricultural-Residential and Hamlet Districts, requiring Planning Board approval if certain criteria is not met. Home occupations are defined in *Article VII. Definition of the LaFayette Zoning Ordinance*. It is defined as "an occupation or profession which is conducted wholly within a dwelling; is carried on by a member(s) of the family residing in the dwelling and no more than two additional outside employees; is clearly incidental and secondary to the use of the dwelling for residential purposes", and which conforms to a number of additional conditions. Several examples of home occupations are listed, and several examples of what is not considered a home occupation are also listed.

One concern with home occupations is the potential for increased traffic or parking in the neighborhood or other activity that would disturb the respite of neighbors. There are also concerns of outside storage of materials connected to the home occupation that are incompatible with surrounding residential uses and enjoyment. One



way to expand allowable home occupations while protecting the neighborhood is to divide home occupations into “major” and “minor”, with specific performance standards for each type depending upon the host zoning district. For example, in residential neighborhoods home occupations might be required to have smaller or no signs, stricter traffic and parking requirements, and meet other criteria to reduce the impact on neighbors. While in the Hamlet, area signage variations, relaxed parking requirements, and allowing multiple businesses in one dwelling might be more appropriate.

In the current Zoning Ordinance, the requirements for home occupations are described under its definition. The definition and the requirements for home occupations should be separated into different sections of the zoning ordinance.

Preserve Open Space and Rural Character - There are several ways the Town of LaFayette’s zoning regulations can help to protect open space and the Town’s rural character. Some are outlined below, and others, which also help to protect agriculture, are listed in the next section.

The Town should include a “Purpose and Intent” section at the beginning of the Zoning Ordinance and for each zoning district explaining what the Town hopes to achieve. For example, the Ordinance’s purpose should emphasize the desire to concentrate development in the Hamlet area and preserve open space, farmland, and the Town’s rural character. The Subdivision Regulations should also be updated to reflect the same goals.

In addition, the Town should complete a Cultural and Natural Resources Inventory, including open space and scenic views, to better understand and map these valued resources. This can be used in conjunction with an Open Space Scoring System when evaluating site plans and subdivision proposals to help protect these resources. This inventory will be particularly useful when reviewing Conservation Subdivision Design proposals. See Section II. Open Space for more details.

New zoning tools the Town should include in the Zoning Ordinance include:

Conservation Subdivision Design (CSD) - The new Zoning Ordinance should develop and include guidelines for the use of CSD for new housing developments to help protect steep slopes, scenic views, wetlands, floodplains, compatible agriculture, or other unique or scenic natural features. CSD incorporates careful attention to site design, considering the protection of natural features when determining the placement of homes. An easement provides a guarantee that the open space will be preserved indefinitely and developers may build a trail or other means for neighborhood residents to enjoy the space. Encouraging the use of CSD in new housing developments will help to preserve some of the open space so important to LaFayette’s character. For more information see Section II: Open Space.

Steep Slope Guidelines - The hills and mountains provide beautiful scenic views throughout the Town of LaFayette and contribute greatly to the open space and rural character of the Town. LaFayette should add Steep Slope Guidelines to its Zoning Ordinance, which require site plan review for any type of development on slopes greater



than 15% and which restricts development on slopes over 25%. The guidelines should be applicable to all zoning districts and should require that development proposals show cut and fill needed for the project, building location on site, erosion and drainage control measures, and the location of any new roads. The guidelines should also include additional design principles as outlined in Section II: Open Space.

Support Agriculture- Over 91% of the Town's acreage is currently in the Agricultural-Residential District. The Town should change the name of this district to "Agricultural" and should create a separate Residential district. Changing the name of AR to Agricultural is an important first step to creating more supportive zoning regulations for farming. Residential uses would still be allowed in this district, however, changing the name would help to let current and future residents, and potential developers know that agriculture is important to the community and a critical component of that district.

In addition to changing the name, the new zoning regulations should require a larger minimum lot size than the current 60,000sf (1.37 acres). This same minimum lot size is the same throughout all districts in the Town, except in the Residential Planned Cluster district. Whether a home is built in the Hamlet or the Agricultural-Residential district, as the zoning regulations are now written, the lot size requirements are the same. Implementing different minimum lot sizes in different zoning districts will help to create a different character in each district. It should be noted that without sewer or water it would be difficult to reduce lot sizes in the Hamlet. It should also be noted that increasing minimum lot sizes in the new Agricultural district does not necessarily protect agriculture. If housing development pressure is high, and there is a market for larger lot sizes, this can actually end up consuming more agricultural land because more land is required for each house. For this reason the Town should carefully consider the minimum lot size requirements they choose.

While changing the Agricultural-Residential district to Agricultural, and raising the minimum lot size in the Agricultural district, the Town should also designate an area of the Town as Residential, to help guide developers, and to provide the opportunity for smaller lot sizes. There are currently Residential Multi-Family and Residential Planned Cluster districts, however, neither leave much room for further residential growth. LaFayette can strategically designate areas to encourage growth in and around the Hamlet.

The current Zoning Ordinance defines a farm as "a parcel of land in excess of 40 acres devoted to agricultural use, exclusive of industrial-agricultural enterprises". This definition should be updated to include farms that are fewer than 40 acres in size. The Town of LaFayette should also add language into the zoning ordinance allowing certain agricultural businesses and light agricultural industries that would be compatible with other surrounding uses in an Agricultural district.

Training for Zoning and Planning Boards- While the new Zoning Ordinance is being written the current Zoning and Planning Boards should be included in the process and trained in any new regulations they may not be familiar with. In addition, a training



packet should be developed to educate any new members of the Zoning or Planning Board.

GOALS AND IMPLEMENTATION MEASURES

GOAL 42: Write a new zoning ordinance that supports and reinforces the Town's goals that emerge from the Comprehensive Plan.

IMPLEMENTATION MEASURES:

- A) Modernize and simplify the language and formatting in the new zoning ordinance to make it consistent with the language used by other communities in New York State.
- B) Update the zoning map to align it with the Town's goals.
- C) Update the Subdivision Regulations as needed and as detailed in the sections above.

GOAL 43: Support the growth of compatible business and economic development through the new zoning ordinance.

IMPLEMENTATION MEASURES:

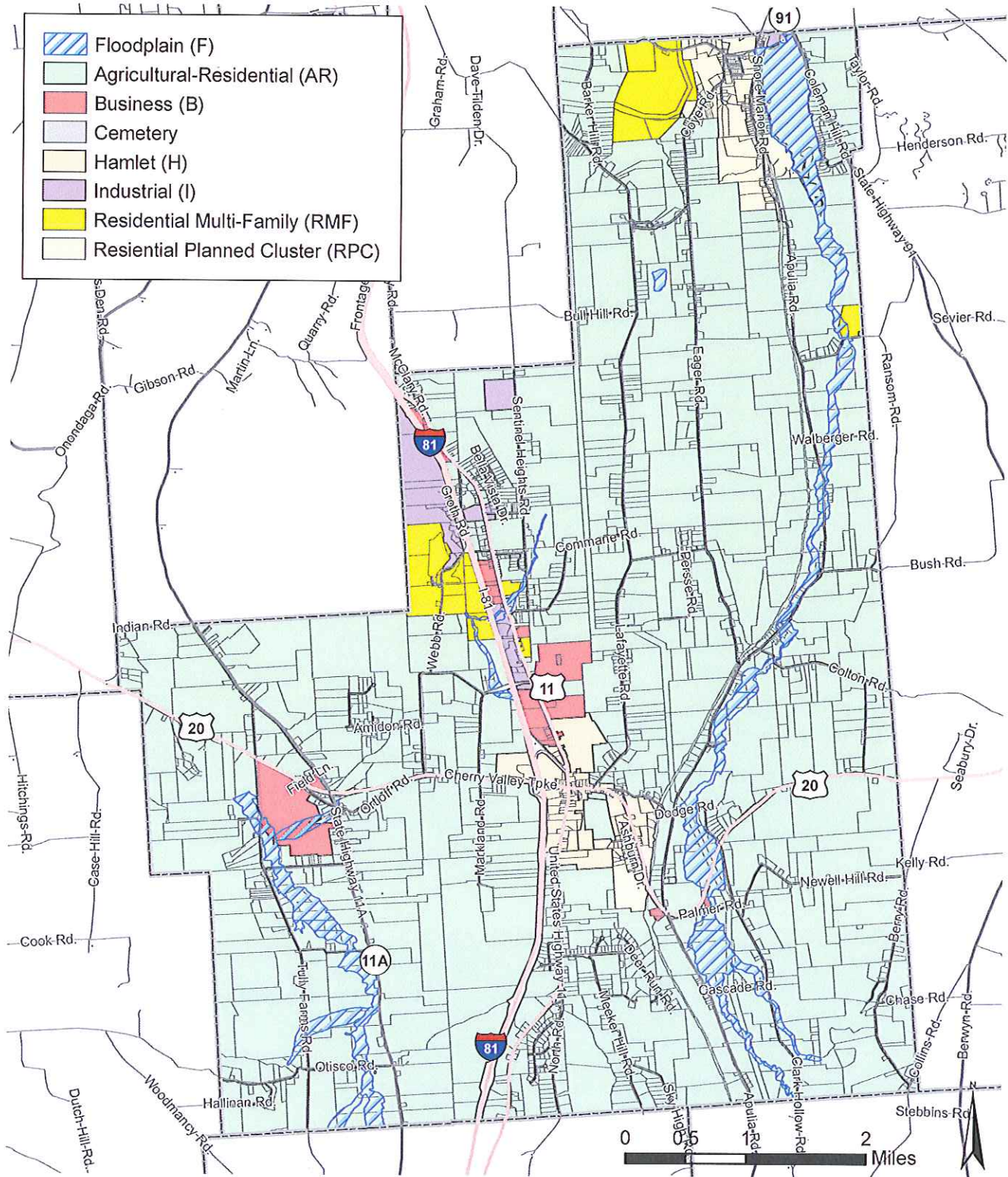
- A) Reduce unnecessary impediments to economic development and streamline the approval process when rewriting the zoning ordinance.
- B) Expand the Hamlet and/or Business districts to allow for business growth.
- C) Ensure that zoning regulations allow for the future development of a commercial park.
- D) Update the Sign Regulations in the zoning ordinance.
- E) Create Site Design Standards and Minimum Architectural Design Standards in the Hamlet area.
- F) Include clear and updated Home Occupation regulations in the new zoning ordinance that provide appropriate and compatible requirements for each zoning district home occupations are permitted.

GOAL 44: Use zoning regulations to help support compact development in and around the hamlet, and the protection of open space, agriculture, scenic views, and the community's rural character throughout the Town.



IMPLEMENTATION MEASURES:

- A) Include a "Purpose" at the beginning of the zoning ordinance and for each district explaining the Town's goals of preserving open space, agriculture, and rural character.
- B) Develop Conservation Subdivision Design guidelines for new housing developments, and encourage their use.
- C) Develop Steep Slope Guidelines in the zoning ordinance to help protect slopes over 15%, as detailed in the sections above.
- D) Change the name of the Agricultural-Residential District to "Agricultural" and increase the minimum lot size requirements in the Agricultural District.
- E) Create a Residential District and revise the zoning map accordingly.
- F) Update the definition of "Farm" in the ordinance and allow agricultural-related businesses in the Agricultural District.
- G) Inventory and map valued natural and cultural resources in the Town, including open space and scenic views which can serve as a reference when making development decisions.



Map __ : Zoning
 Town of LaFayette Comprehensive Plan

Date Created: 24 June 2011

