

Town of Liberty, NY
Proposed Zoning Code Changes
Draft Release: July 20, 2016

This packet contains draft proposed changes to the following zoning code sections:

§130-4 Subdivision approval required
§147-4 Definitions
§147-5 Districts
§147-20 (B) Home Occupations
§147-21 Conservation Subdivisions
§147-26 Special Use Permits
§147-27 Site Plan Review
§147 – Misc. Changes
§147-[to be determined] Wellhead Protection Overlay District

Area & Bulk Table
Use Table

Zoning Map

Town of Liberty, NY
Draft Subdivision Regulations
July 20, 2016

The following additional text is proposed for Chapter §130-4 Subdivision approval required.

§130-4 Subdivision approval required.

D. Conservation subdivisions, permitted in the AC, RD and RH districts, shall follow the procedures outlined in §147-21 Conservation Subdivisions.

Town of Liberty, NY
Proposed Draft Terms and Definitions
July 20, 2016

The following changes are proposed for § 147-4 Definitions

ACCESSORY STRUCTURE, RESIDENTIAL – A subordinate structure or building customarily incidental to, and located on the same lot occupied by the main residential structure or building. ~~The term ‘accessory building’ may include~~ For the purposes of this definition, the term ‘accessory structure, residential’ shall include the term ‘building’ along with additional residential-related structures, including, but not limited to the following: a private garage, garden shed or barn, private playhouse, private greenhouse, private swimming pool, private antennas and satellite dishes and solar/heating/ventilation/utility equipment, as hereinafter provided. Where any part of the wall of an accessory building structure is part of the wall of a main principal building, or where the accessory building structure is attached to the main principal building by a roof, including carports however covered, such accessory buildings structure shall be deemed part of the main principal building for the purposes of determining yard setbacks and building coverage in accordance with this Chapter.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. Common accessory uses include but are not limited to signs and parking lots for commercial establishments; barns, silos and grain bins for farm operations; and garages, sheds, greenhouses, pools, play equipment and gardens for residential homes.

AGRI-BUSINESS – Business activities utilizing 50% or more of product grown and/or produced on the property, including but not limited to: U-picks, CSAs, expanded road stands, corn mazes, hay rides, pumpkin patches, seasonal events, school programs, weddings and parties, farm markets, dairy barns, bakeries, farm stores and restaurants, bed-and-breakfasts, farm stays; farm supported businesses such as slaughterhouse, community kitchens, farm-compatible businesses, farm distilleries and farm wineries.

~~CLUSTER DEVELOPMENT CONSERVATION SUBDIVISION~~ – Developments which provide for single-family dwelling units and permitted accessory uses, wherein dwelling units are grouped in sections in order to maximize the amount of common space and to preserve the natural setting.

~~CONSERVATION SUBDIVISION~~ — See "~~cluster development.~~"

CONVENIENCE RETAIL ESTABLISHMENT — A retail store or personal service shop, ~~of 2,000 square feet or less in size (excluding the canopy over any gas pumps)~~, with or without the sale of gasoline, and designed primarily to accommodate the needs of the immediate surrounding area, but excluding vehicle and equipment sales and service.

DOG PARK– A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

DRY-CLEANING, LAUNDRY PLANT ESTABLISHMENTS — Any dry-cleaning and/or laundry operations without on-site retail and with more than a combined total of 5,000 square feet floor space.

DWELLING, MULTIPLE DWELLING, MULTI-FAMILY *Definition to remain unchanged*

DWELLING, ONE-FAMILY DWELLING, SINGLE-FAMILY DETACHED - A detached building designed or occupied exclusively by one family and having two side yards, with at least 960 square feet of living area, erected on a permanent foundation, with/without basement, and equipped for year-round occupancy and inclusive of manufactured, modular and stick-built homes.

DWELLING, OWNER-OCCUPIED SECOND-STORY DWELLING, UPPER STORY — ~~A dwelling unit located above a commercial space and occupied by the owner or commercial occupant of the building or, in the case of a condominium dwelling unit above a commercial space, the owner of such a condominium dwelling units.~~ A dwelling unit located above a permitted nonresidential use and which has a separate exterior entrance.

EDITORS NOTE: The definition above was previously drafted as: Residential dwelling units, owner or renter-occupied, occupying the floors above a permitted commercial (non-residential) space.

ELECTRONIC RECEPTION DEVICES—~~Any exterior device designed to receive electronic signals, including satellite dishes, television antennas and similar devices.~~

EATING AND DINING DRINKING PLACES — ~~An eating place is a place where food is prepared and intended for individual portion service and includes the site at which the individual portions are provided, whether consumption occurs on or off the premises. The term excludes food processing establishments, retail food stores, private homes where food is prepared or served for family consumption, and food service operations where a distinct group mutually provides, prepares, serves and consumes the food such as a "covered dish supper" limited to a congregation, club or fraternal organization.~~ An establishment where food and drink is prepared, served, consumed and sold primarily within the principal building or its outdoor terrace or patio area. The term "restaurant" shall not include "Restaurants, Fast Food" as defined herein. A bar or tavern that also serves food shall be considered an Eating and Drinking Place."

FARM AND GARDEN SUPPLIES AND EQUIPMENT SALES – A use primarily engaged in the sale and rental of farm tools and implements such as feed, grain, tack, animal care products, farm supplies and machinery, excluding large vehicles such as farm tractors or combines.

GREENHOUSE, COMMERCIAL – A commercial facility involved in the cultivation of ornamental and horticultural products, including but not limited to flowers, trees, shrubs, and vines. Activities may also include the retail sale of said products outdoors or in an enclosed facility. (Source: Bethel. The word “commercial” was added to the definition.)

HOME OCCUPATION, MAJOR - A nonresidential use that is incidental and clearly subordinate to an existing residential use, conducted within a bona fide residence of the principal practitioner of the occupation or in an accessory building thereto which is normally associated with the residential use, and which involves no more than three nonresident employees, and which does not change the residential character of the dwelling unit or vicinity, nor result in any exterior evidence of such secondary use other than one sign, and additional parking necessary for visiting customers, clients, or sales representatives.

HOME OCCUPATION, MINOR – A nonresidential use that is incidental and clearly subordinate to an existing residential use, conducted within a bona fide residence of the principal practitioner of the occupation or in an accessory building thereto which is normally associated with the residential use, and which involves no more than one nonresident employee, and which does not change the residential character of the dwelling unit or vicinity, nor result in any exterior evidence of such secondary use, does not involve signage and does not involve visiting customers, clients or sales representatives.

MANUFACTURING– A business premise engaged in assembling and converting materials or substances into new products, along with altering, finishing, cleaning, handling and storage of materials, all in accordance with the standards, restrictions and exclusions detailed in § 147-18.

MIXED-USE MANUFACTURING/RETAIL AND SERVICE ESTABLISHMENT – A building and/or parcel containing one or more manufacturing and retail and service establishments uses conforming to the definitions of each use in this Chapter.

RECREATIONAL FACILITY, COMMERCIAL/PRIVATE INDOOR – A recreational land use conducted as a business or as a private club for which membership charge may be made and operated entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

RECREATIONAL FACILITY, COMMERCIAL/PRIVATE /OUTDOOR – A recreational land use conducted as a business or as a private club for which membership charge may be made and operated almost entirely outside of a building, including golf courses, ski areas, athletic fields, miniature golf, driving range (not associated with a golf course), skateboard park, swimming, bathing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages, trampoline facilities, water parks, amusement parks.

RESTAURANT — See "eating and ~~dining~~ drinking places."

SERVICES, ESSENTIAL – The construction and maintenance of underground, surface or overhead electrical, gas, telephone, cable, water and sewage collection systems, and wireless communication used for the support of emergency services, along with normal accessory activities, and shall not include public or private solar panels or public or private wind turbines.

SHOOTING RANGE, INDOOR, PRIVATE OR COMMERCIAL – The use of a structure for archery and/or the discharge of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR, PRIVATE OR COMMERCIAL – The use of land for archery for the purposes of target practice or temporary competitions. Excluded from this use shall be general legal hunting and unstructured and nonrecurring discharging of firearms on private property.

VEHICLE AND EQUIPMENT SALES AND SERVICE — A building and/or area arranged, intended or designed to be used for the rental, lease, sale and/or resale of motor vehicles, new or used, including but not limited to; boats or trailers, farm tractors or combines; or other equipment. A selection of motor vehicles, boats or trailers or other equipment may be displayed within a totally enclosed building but still others may require an outdoor area for their storage.

Town of Liberty, NY
Proposed Draft Changes Section 147-5
July 20, 2016

The following changes are proposed for § 147-5 Enumeration of Districts:

The Town of Liberty is hereby divided into the following types of districts:

AC Agricultural/Conservation. This district is intended to encourage preservation of agricultural land and open space. Minimize residential development through protection of sensitive natural areas, viable farmlands and water resources. Ensuring these resources protect the rural character of the town and are used in ways which adapt to those limitations and do not threaten the health and safety of adjacent neighbors.

RD Rural Development. The purpose of this district is to provide a transition area between the AC and R-1 districts while complementing the agricultural lands and open space as well as providing low-density single-family dwellings that maintain the rural character of the town.

R-1 Low-Density Residential. The purpose of the R-1 residential district is to provide areas adjacent to the village with neighborhoods of single-family and two-family dwellings of low to moderate density.

R-2 High-Density Residential. The purpose of this district is to provide areas adjacent to the village for higher density neighborhoods of single-family, two-family and multifamily dwellings.

DCC Downtown Commercial Core. This district is intended to provide for the development of a traditional historic hamlet, urban cores and community centers, with both commercial and residential uses within this area.

SC Service Commercial. This district is intended to provide areas within the Town for the development of commercial businesses and enterprises that serve the service needs of Liberty residents as well as the traveling public.

IC Industrial Commercial. This district is intended to provide areas within the Town for the development of job-producing business and industrial uses where such enterprises can be assured that their activities will not be in conflict with residential uses. Development of this zone should reflect the rural quality of the Town and should follow design guidelines to ensure buildings are compatible.

PUD Planned Unit Development. This district is intended to provide landowners with the flexibility to develop functionally integrated communities of a residential or resort nature using innovative techniques and open space design principles which assure the maximum protection of quality open space while achieving density no less than permitted using conventional subdivision procedures and protecting public health and safety.

FP Floodplain. This is an "overlay" district defined by and subject to the requirements of the Town of Liberty Floodplain Law.

RH Resort Hotel. This district is intended to provide areas within the Town for the normal development and expansion of resort hotel facilities along with related recreational enterprises, which facilities are typically characterized by a variety of building types, activities and densities of a substantially different nature from the surrounding area, including a mixture of recreational, commercial and residential uses.

Town of Liberty, NY
Draft Home Occupations Regulations
July 20, 2016

The following is proposed to replace §147-20(B) in its entirety:

§147-20(B) Home Occupations (Major and Minor)

- (1) Purpose. The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.
- (2) Permitted In Certain Districts. Minor and Major Home Occupations, as defined in this Chapter, are permitted in certain zoning districts as listed in the *Schedule of District Regulations* under the established review requirements and in compliance with the standards and requirements set forth in this Section. In the cases where the distinction between a major or minor home occupation is required, the Code Enforcement Officer shall make a determination based on the definitions and the intent of this section.
- (3) Permitted Minor Home Occupations. Except as provided in Subsection 5 below, customary minor home occupations include all occupations that meet the definition, standards and requirements of this section, and in particular, include, but are not necessarily limited to the following examples:
 - (a) Production of homemade goods, foods, food products, and crafts including wood, pottery, fabric and metal items where products are sold over the internet or at an off-site location;
 - (b) Office facilities for salesman, sales representatives and manufacturer's representatives provided no retail or wholesale sales are made or transacted on the premises;
 - (c) Telephone answering service; and
 - (d) Other uses consistent with the use definition, scope and intent of this section as initially determined by the Code Enforcement Officer and approved by the Planning Board in accordance with this Chapter.
- (4) Permitted Major Home Occupations. Except as provided in Subsection 5 below, customary major home occupations include all occupations that meet the definition, standards and requirements of this section, and in particular, include, but are not necessarily limited to the following examples:
 - (a) Studios for musicians, artists, photographers, upholsterers, seamstresses, tailors, and potters.
 - (b) Offices for professionals in the fields of professional counseling, advertising, graphic arts design, publishing, real estate, insurance, accounting, law, architecture, engineering, surveying and land use planners;
 - (c) Musician or tutor for not more than five students simultaneously;
 - (d) Pet grooming;
 - (e) Repair of small equipment such as clocks, radios, computers and similar tabletop electronic equipment;

- (f) Shop of beautician, barber, and hair stylist;
 - (g) Service and repair of large equipment such as household appliances, snowblowers, wood chippers and similar items.
 - (h) Service and repair of any motor vehicle, including but not limited to, motor vehicles, trailers, tractors, boats, personal watercraft, recreational vehicles and snowmobiles.
 - (i) Other uses consistent with the use definition, scope and intent of this section as initially determined by the Code Enforcement Officer and approved by the Planning Board in accordance with this Chapter.
- (5) Prohibited Home Occupations.
- (a) Painting and bodywork of any motor vehicle, including, but not limited to, motor vehicles, trailers, boats, personal watercraft, recreational vehicles, and snowmobiles;
 - (b) Medical or dental clinics;
 - (c) Rental businesses;
 - (d) Commercial stables, kennels and veterinary clinics;
 - (e) Tow truck services;
 - (f) Restaurants;
 - (g) On-site sale or use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use;
 - (h) Nursing homes;
 - (i) Funeral homes, mortuaries and embalming establishments;
 - (j) Any use prohibited by the New York State Uniform Fire Prevention and Building Code;
 - (k) Boarding or tourist home or letting of more than two rooming units; and
 - (l) Clubs, including fraternities and sororities.
- (6) Standards and Requirements. The following standards and requirements shall pertain to both Minor and Major Home Occupations unless otherwise indicated.
- (a) Maximum Floor Area. No more than 30 percent of the total floor area of a dwelling unit and accessory structures or 750 square feet, whichever is less, may be used for such use, except as may otherwise be limited by the New York State Uniform Fire Prevention and Building Code.
 - (b) Conduct of Services. The use shall be conducted wholly within the enclosed walls of the dwelling unit or accessory building. Doors and windows are permitted to be open during operations provided they are not required to prevent adverse impacts on surrounding properties from noise, light, odor and other byproducts associated with the home occupation.

- (c) Residential Appearance. No external structural alterations which are not customary to a residential building, shall be allowed.
- (d) Outdoor Storage. All unscreened storage of materials and equipment used to conduct the home occupation are prohibited except motor vehicles as permitted in Subsection "e" below. All materials and equipment used for the home occupation must be stored wholly within the enclosed walls of the dwelling unit or accessory building, or fully screened by other means, including, but not limited to fencing, walls and vegetation, so as to not be visible from an adjacent public road and/or adjacent properties, and shall have minimum side and rear yard setbacks of 20 feet or as required by the zoning district, whichever is greater.
- (e) Vehicles. No more than two motor vehicle(s) used by the owner to conduct the home occupation shall be parked on the subject property. The on-site parking and storage of heavy commercial vehicles used in connection with the home occupation is prohibited.
- (f) Parking. Parking shall be provided off-street. The following shall be in addition to parking requirements for single-family dwellings as set forth in §147.16 Parking, loading and access requirements. A minimum of one space is required per nonresident employee. No more than three additional spaces for customers, clients, or sales representatives visiting the property shall be permitted.
- (g) Traffic. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in the neighborhood and no tractor-trailers or tandem trailers shall be permitted to park, pick up or drop off materials at the property or immediate area.
- (h) Disposal into sanitary, storm sewer, drainage way or ground. No home occupation shall discharge into any sewer, drainage way or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operations, or corrosive to sewer pipes and installations.
- (i) Adequacy of sanitary sewer and drinking water. All local, county and state regulations pertaining to sanitary sewer and drinking water associated with the home occupation shall be complied with and evidence thereof provided to the Planning Board.
- (j) Residential and Neighborhood Character. The home occupation and the conduct thereof shall not result in noise, vibration, odor, smoke, glare or electrical interference beyond that normally generated by permitted uses in the same zoning district. No home occupation shall change the exterior residential character of the principal residence or of the accessory structure in any manner.
- (k) At no time shall a deviation from required lot sizes, width, depth and yard setbacks be allowed without Zoning Board of Appeals approval pursuant to the requirements of this Chapter.
- (l) Signage. One non-illuminated sign not exceeding four square feet shall be allowed for Major Home Occupations. Such signs shall not emit any flashing or intermittent illumination.
- (m) Lighting. Any exterior lighting associated with the home occupation shall use fully shielded light fixtures to prevent glare.

Town of Liberty, NY
Draft Conservation Subdivision Regulations
July 20, 2016

The following changes are recommended to the title of Article VII:

Conservation Subdivision and Moderate - to High-Density Residential and Associated Development

The following is proposed to replace §147-21 “Cluster Developments” in its entirety:

§ 147-21. Conservation Subdivisions: Liberty Farm, Forest and Outdoor Recreation Open Space Incentive.

Authority and Intent. This section on conservation subdivision is adopted under the authority provided to the Town of Liberty by the New York State Town Law, Municipal Home Rule Law and the State Environmental Quality Review Act. Developments which provide for single-family dwelling units and permitted accessory uses, wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings, shall be designated as conservation subdivisions. Such proposed developments shall be subject to subdivision review and the Town of Liberty Planning Board shall have the authority, as provided in § 281 of the New York State Town Law and meet or exceed those provisions as provided for under Municipal Home Rule, to approve or deny plans for conservation subdivisions in AC, RD, or RH Districts in accord with the standards contained herein and in the Town of Liberty Subdivision Regulations. The Planning Board may require plans to be submitted as conservation subdivisions if such approach serves to reduce potential adverse environmental impacts

- A. **State Town Law.** The Town of Liberty finds that subdivision and development of land is an important part of the local economy and that the town wishes to encourage creative subdivision and development design to protect natural resources, improve public safety in terms of reducing unnecessary driveway openings, and improve the economic environment through sound land use planning. Excessive roadside “strip development” in the Town encourages development patterns that are detrimental to Liberty's rural character which is an important part of the value of land in the town.
- B. **Open Space Incentives.** The purpose of the open space incentive option is to allow future conservation subdivisions in the AC - Agricultural/Conservation, RD - Rural Development and RH - Resort Hotel Districts in the Town of Liberty to be creatively designed so that new homes are located in the landscape in a way that protects the rural character of Liberty and its agricultural and forest resource through the subdivision and development process. In addition to this general purpose, farm, forest and outdoor recreation open space incentive shall promote the following objectives:
1. Protect important views and scenic corridors as well as steep slopes, hillsides, and ridges
 2. Conserve scenic resources of rural corridors and roads and reduce the occurrence of strip development
 3. Protect historic, archeological, and cultural features
 4. Protect valuable wildlife and habitat areas
 5. Locate buildings and structures on portions of the site that are most appropriate for development considering development suitability and conservation importance

6. Allow for site design that provides flexibility and encourages a more practical lot layout, utility, and transportation network and facilitate the construction and maintenance of roads, utilities and public services in an economical and efficient manner
7. Encourage site design that is appropriate to the existing setting and consistent with surrounding land use and development patterns
8. Reduce adverse impacts of growth on surface water and groundwater quality
9. Promote the maintenance of productive agricultural and forest lands and farming and forestry
10. Encourage the creation and provision of recreation resources and activities

The farm, forest, and outdoor recreation open space incentive option provides landowners and the Planning Board with the ability to appropriately modify minimum lot sizes and to modify the development density of the AC – Agricultural/Conservation Zoning, RD - Rural Development and RH - Resort Hotel Districts in return for permanent common open space protection, allowing the protection of the rural farm and forest landscape, provide outdoor recreation amenities and other important natural and cultural resources of the community.

C. Site Analysis and Capacity

1. Under the open space incentive option, the maximum density for the AC Zoning District remains 0.2 dwelling units (du's) per acre -- the equivalent of one house per five acres of land. Under the open space incentive option, the maximum density for the RD Zoning District remains 0.33 dwelling units (du's) per acre -- the equivalent of one house per three acres of land. For the open space incentive option in the RH – Resort Hotel District, the maximum allowed density shall be calculated by the applicant using the development standards in the zoning code for review and acceptance for accuracy by the Planning Board. In the AC District provided a minimum of 50 percent of the original (parent) parcel land area becomes permanently protected common open space, the Planning Board may grant a density bonus of up to 50 percent of the maximum density (in terms of the number of dwelling units). In the RD and RH Districts, the Planning Board may grant a density bonus of up to 30 percent of the maximum density (in terms of the number of dwelling units) as long as a minimum of 30 percent of the original (parent) parcel land area becomes permanently protected common open space.
2. To calculate the potential number of residential lots which may be allowed under the incentive option, the property must be analyzed for conservation and development potential. If the property contains more than 20 percent of total land area in any or all of the following development constraints:
 - state-regulated wetlands
 - slopes in excess of 25 percent
 - land in floodway or 100-year flood plain;

With each of those areas hence identified as constrained land. Then multiply the total number of acres of unconstrained land in the original parcel by the maximum number of dwelling units per acre allowed in the respective district. For example, if you have 100 acres of unconstrained land in the AC District, multiply 100 by 0.2. The result is 20 dwelling units. With at least 50 percent of

the land set aside as common open space, the Planning Board may then grant up to a 50 percent bonus (in terms of the number of dwelling units) in addition to the original 20 units. In this case, 50% of 20 units equals ten additional units. Therefore the total of up to 30 lots may be created under this example.

NOTE: When this calculation results in a fractional remainder of 0.5 or greater, the number shall be rounded up to the nearest whole number, for example, 50% of 9 = 4.5, therefore the result shall be five additional units. The potential number of dwelling units that may be permitted by the Planning Board is now 30 as long as a minimum of 50 acres (50% of the original parcel) remains permanently protected common open space including historic and/or cultural resources.

Similarly for the RD and RH Districts multiply the total number of acres of unconstrained land in the original parcel by the maximum number of dwelling units per acre allowed in the respective district. For example, if you have 45 acres of unconstrained land in the RD District, multiply 45 by 0.33. The result is 15 dwelling units. With set aside of at least 30 percent of the land as common open space, the Planning Board may then grant up to a 30 percent bonus (in terms of the number of dwelling units) in addition to the original 15 units. In this case, 30% of 15 units equals 4.5, rounded up to five additional units. This a total of 20 lots may be created under this example.

3. Lot dimensions may be any size as determined by the planning board as demonstrated as capable of supporting all expected principal and accessory uses including but not limited to primary dwelling, driveway and parking, water supply and wastewater disposal, and private yard space. Minimum side yards shall be 20 feet.
 4. The number of permissible dwelling units per the conservation subdivision and environmental review process and determination by the Planning Board may be fewer than the mathematical maximum number of potential dwelling units
 5. The final plat submitted for approval to the Planning Board and any deeds describing such lots shall bear the following notation: "This plat (or lot) was created under the farm and forest open space incentive option of the Town of Liberty Zoning Code, and any further subdivision of these lots is hereby prohibited."
- D. **Eligibility.** Parcels consisting of 30 acres or more may be eligible for the open space incentive density bonus assuming the applicant meets the following conditions and limitations to the Planning Board's satisfaction:
- E. Selection of common open space.**
1. Conservation of important working farmlands, tracts of forest land, natural, historic and/or cultural, recreation, and scenic resources shall be the starting point for the design of subdivisions using the open space incentive option. Protection of farm and forest land, wetlands, floodplains, steep slopes and streams shall be the guiding principle in designating a subdivision's conservation area. Additional lands and historic and/or cultural sites and places that contribute to the unique character of the parcel to be subdivided may also be included in the subdivision's common open space for permanent protection.

2. The selection of land to be designated as common open space shall be made by the applicant and the Planning Board during sketch plan review. (See example analysis and sketch plan at end of section.)
3. The land ultimately designated for conservation shall be subject to the approval of the Planning Board.
4. The Planning Board may seek counsel of a registered landscape architect to identify appropriate conservation lands for a project proposed under this option, the reasonable cost of which may be charged to the applicant. The Planning Board shall make its decision based upon consideration of purposes of this section and on the Town's desire to conserve its important open space and historic and/or cultural resources, including, but not limited to:
 - a. Existing agricultural and forest lands, in particular larger contiguous areas of these lands
 - b. Land for recreational uses including potential trail linkages to adjoining lands.
 - c. Environmentally sensitive lands.
 - d. Lands that are inappropriate for development.
 - e. Lands that adjoin other conservation lands and larger tracts of land which have the potential to create continuous networks of open space.
 - f. Rural character of the surrounding area.
 - g. Scenic rural roads and views.
 - h. Historic and cultural resources such as but not limited to, existing and remaining mill site structures and equipment, district schools, churches, homesteads, farmsteads, cemeteries, early industries, businesses and stores and community organizations.
5. Land designated as conservation shall be limited to the following uses
 - a. Farm operation land and may include farmstead and related areas.
 - b. Public open space and outdoor natural area recreation.
 - c. Private open space and outdoor natural area recreation.
 - d. Forestry or forest farming operations with an approved management plan that is on file with the Town Clerk.
 - e. Selection of development area shall not be based on the destruction or demolition of any historic and/or cultural resources except for documented safety issues with Planning Board review and approval.
 - f. Once land designated for conservation has been selected, the land within a parcel to be designated for development shall be selected by the applicant and the Planning Board during sketch plan review.
 - g. The land designated for development shall be subject to the approval of the Planning Board. The Planning Board shall make its decision based upon consideration of the Rural Development Design Guidelines (Appendix B) and based on the Town's desire to:

- Avoid locating buildings in open fields. Preference will be to locate structures at the edges of fields along more heavily vegetated areas.
- Site buildings so that they do not protrude above treetops and the crestlines of hills. Buildings shall be sited so as to use existing vegetation to buffer the view of new structures from preexisting public places and roads.
- Retain and reuse existing farm roads and country lanes instead of constructing new roads or driveways.
- Minimize clearing of vegetation at the edge of existing roads, clearing only as much as necessary to create a driveway entrance with adequate sight distance.
- Minimize the disturbance of natural features of the landscape.
- Minimize the number of curb cuts on existing Town, county and state roads and maximize the use of shared curb cuts and shared driveways and interior loop drives.
- Use curves in the driveway and new roads to increase the screening of buildings.
- Consider the potential impact of new homes on existing neighbors when new structures are located.
- Avoid locating new homes near existing farms and farmlands.
- Build new homes only on lands that are most suitable for development and associated wells and septic systems.

F. Conservation lands.

1. Conservation lands may be held in private ownership, by a land trust or, if proposed for public ownership and if accepted by the town board, shall be dedicated to the Town of Liberty, Sullivan County, or other public owner such as the State of New York as determined by the town board
2. Conservation areas in private ownership.
 - a. Where conservation lands result from the application of open space incentive zoning requirements, or are otherwise existing, and which are not dedicated to the Town, they shall be described in an appropriate recordable instrument (a permanent conservation easement) executed by the owner and delivered to the Town of Liberty. The Town of Liberty shall not grant final approval for any development under this section until the recordable instrument is received by the Town.
 - b. Property Owners' Association Required. The open space and conservation lands resulting from clustering of lots or dwelling units shall be titled to a property owners' or homeowners' association (POA) prior to the sale of any lots or dwelling units by the developer. Membership shall be mandatory for each property owner within the development and successive owners with voting of one vote per lot or unit and the developer's control, therefore, passing to the individual lot/unit owners on sale of a majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs. The POA documents must be approved by and filed with the Planning Board of the

- Town of Liberty and, if required by law, with the Attorney General State of New York. If the Town so requests, it shall be named, on all such conservation easements, as either a co-holder of the easement or a third party enforcer.
- c. The aforesaid conservation easement shall be created in accordance with Title 3, Article 49 of the New York Environmental Conservation Law, § 49-0301, Declarations of Policy and Statement of Purpose, et seq.
 - d. Conservation lands shall also be so designated on the Zoning Map of the Town of Liberty.
 - e. Where the conservation land is contained in a separate individual parcel or parcels, which is owned jointly by two or more private owners, a provision shall be made for a homeowners' association or a similar mechanism for the long-term stewardship of the conservation land.

Conservation Subdivision – Design Example

Example Farmland:

An old farm with attractive fields, hedgerows and woods along a local road is being considered for redevelopment as a residential subdivision.

In a “conventional” subdivision, the entire area of fields visible from the road would be developed as new houses, which would forever change the rural views and character of the area.

Example Farmland



Conservation Analysis:

In a conservation subdivision, an analysis is conducted to identify what areas of the property should be protected, and what areas are most appropriate for development. In this example, the fields and farmhouse along the road are preserved, as well as the woods and wetlands beyond.

Selected Protection Areas



Conservation Design:

The resulting conservation design with smaller lot sizes helps to protect the rural views and character, while still permitting the same number of units. The houses are located in the middle fields where they are shielded by hedgerows and less visible. The result is a more attractive subdivision which helps to protect the historic views and character of the landscape.

Conservation Design



Town of Liberty Land Use Law Update
Draft Site Plan and Special Use Permit Language
July 20, 2016

The following is proposed to replace Article VIII Special Uses and Site Plan Review in its entirety:

§147-26 Special Use Permits

- A. Authority.** The Town of Liberty Planning Board is, pursuant to § 274(a) of the Town Law, authorized to approve, disapprove or approve with modifications the establishment (by special permit) of certain uses which shall, throughout this chapter, be identified as special uses.
- B. Purpose.** Pursuant to the land use policies and goals of the Town of Liberty, it is the policy of the Town of Liberty to balance the allowance and encouragement of a variety of uses of land and to foster economic opportunities within the municipal boundaries of the Town, provided that such uses do not unreasonably and adversely affect neighboring properties, the natural environment, the rural and historic character of the Town or the long-term development of the Town. Certain uses are, therefore, permitted only upon issuance of a Special Use Permit by the Planning Board in order to ensure that these uses are appropriate to their surroundings and satisfy specific review criteria as set-forth herein.
- C. Applicability.** Uses requiring Special Use Permits are listed in the *Schedule of District Regulations*. Accessory uses or structures proposed in connection with a Special Use Permit use shall be subject to the same Special Use Permit approval requirements as the principal structure or use.
- D. Site Plan Review.** All uses requiring special use permits also require site plan review. The Planning Board may waive site plan review as a condition of a special use permit if the Planning Board determines that considerations customarily evaluated under site plan review have been appropriately considered as part of the special use permit process. This waiver must be approved by a supermajority of the Planning Board. Alternatively, the applicant may request that the procedures for the Special Use Permit and Site Plan approval be run concurrently and such request will not be unreasonably denied. A supermajority of the Planning Board is not necessary to approve this request.
- E. Required Plans and Submittals.** Because the impact of Special Use Permit uses varies greatly, the information required to be submitted for a Special Use Permit may vary depending upon the scale, intensity, nature of the proposed use and its proposed location. An applicant for a Special Use Permit shall submit at least [1 original and 10 copies] of the following together with whatever other information the Planning Board deems appropriate:
- (1) Town of Liberty Special Use Permit application form.
 - (2) A plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision, and an agricultural data statement as defined below in subsection F. (6).
 - (3) A narrative describing the proposed use and operation.

- (4) A short-form or long-form SEQRA Environmental Assessment Form (EAF) with Part 1 fully completed by the applicant (a long-form EAF is required for all SEQRA Type I actions, but the Planning Board may require a long-form EAF for unlisted actions if the Board deems that the additional information contained on the long-form would be helpful and appropriate under the circumstances of the project proposal).
- (5) The application fee as established by the Town Board, and an escrow deposit for reimbursement of cost of Town consultants (if required).
- (6) The Planning Board may waive or add any requirements for an application submission if it deems appropriate in order to accomplish the purposes set forth herein.

F. Procedure

(1) Application

- (a) **Multiple Uses.** If an application is for a parcel or parcels on which more than one use requiring a Special Use Permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.
 - (b) **Scheduling.** In order for a Special Use Permit application to be placed on the Planning Board's meeting agenda, the required application materials shall be submitted to the Town of Liberty Planning Board Secretary at least 10 days prior to the date of the Planning Board's meeting. In order for an optional pre-application conference to be scheduled, a request for such conference shall be made in writing identifying the subject property, its owner and the proposed use, and shall be submitted 10 days prior to the meeting at which the conference is requested to be scheduled.
 - (c) **Completeness Review.** At the first meeting at which an application is first presented as an agenda item, the Planning Board shall determine whether the application is complete for purposes of commencing the review process. If an application is determined to be incomplete, the Planning Board shall notify the applicant in writing as to what aspects of the application submittal are lacking or are otherwise insufficient to start the process. The time-frames for Planning Board action during the review process shall not commence until the submission of a fully complete application with supporting documents and materials and the determination by the Planning Board that the application is complete.
- (2) **Optional Pre-Application Conference.** Prior to submitting a completed application, the applicant may elect to attend a Planning Board meeting to discuss the nature of the proposed use and to determine the information that will need to be submitted. The purpose of this meeting is for the applicant and the Board to informally discuss the proposal and the relevant issues involved before the applicant expends significant time or money in application submittals.

- (3) **Application for Area Variance.** Where a proposed Special Use Permit application contains one or more features which do not comply with the dimensional regulations of this Chapter, application may be made to the Zoning Board of Appeals for an Area Variance pursuant to this Chapter without a decision or determination by the Code Enforcement Officer. The Planning Board shall decide whether such area variance application and Zoning Board of Appeals decision on same must occur as a condition to the issuance of the Special Use Permit, as a prerequisite for a complete Special Use Permit application, or in conjunction with the Special Use Permit process.
- (4) **SEQRA Compliance.** Upon receipt of application materials, it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days of its acceptance of a completed application, EAF and other supporting materials.
- (5) **Referral to County Planning Department.**
 - (a) **§239-m.** Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the County Planning Board any application for a Special Use Permit affecting real property within 500 feet of the boundary of the Town of Liberty, the boundary of any existing or proposed County or State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, Sections 239-l and 239-m, as amended.
 - (b) **Recommendation of County Planning Department.** No action shall be taken by the Town on applications referred to the County Planning Department until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Department's review.
 - (c) **County Disapproval.** A majority-plus-one vote of the Planning Board shall be required to grant any Special Use Permit which receives a recommendation of disapproval from the County Planning Department because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.
- (6) **Agriculture Data Statement.** An agriculture data statement is required where the proposed use is located in, or within 500 feet of, the boundaries of an agricultural district.
 - (a) **If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Special Use Permit application to all owners of land within five hundred (500) feet of the project property within an agricultural district and containing farm operations as identified by the applicant in the agricultural data**

statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

(7) Notice and Hearing

- (a)** The Planning Board shall hold a public hearing on a complete Special Use Permit application within 62 days from the determination of the Planning Board that the application is complete. The time in which a public hearing must be held may be lengthened only upon consent of the Applicant and Planning Board.
- (b)** At least 5 days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper.
- (c)** In the case of a hearing held on an application on a property that is located within 500 feet of an adjacent municipality, the Planning Board must give notice of the hearing to the clerk of the adjacent municipality, by either mail or electronic transmission, at least 10 days prior to the hearing pursuant to General Municipal Law § 239-m.

(8) Review Criteria. In considering and acting on uses requiring a Special Use Permit, the Planning Board shall consider the public health, safety, and general welfare. The Board shall also consider potential environmental impacts and the comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Board may prescribe such appropriate conditions and safeguards as may be necessary in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the criteria set forth below. A Special Use Permit shall not be granted until the Planning Board finds that the following criteria, applicable supplementary regulations as set-forth in *Article VI of this Chapter* and all Special Use Permit Conditions have been met:

- (a)** Harmony with the Comprehensive Plan. The use shall be in harmony with and promote the goals and objectives of the current Comprehensive Plan for the Town, and shall be in compliance with this Chapter and shall promote the health, welfare and safety of the public.
- (b)** Compatibility. The proposed use shall be compatible with the character of the surrounding neighborhood, the zoning district and the community surrounding the location of the proposed use and will not unduly prohibit or discourage future planned growth in the area.
- (c)** Access, Circulation and Parking. The proposed use shall have safe and efficient access for pedestrians and vehicles, shall provide for appropriate off road parking and loading areas. The interior circulation system must be adequate to provide safe accessibility to all parking spaces and that adequate and safe integration of pedestrian and vehicular movement is provided.
- (d)** Infrastructure and Services. There shall be sufficient infrastructure and services, including utilities, public facilities and services, available for the proposed use or that the project extends or provides infrastructure and services for the area where the proposed use is located. There

shall also be facilities and services implemented by the applicant to appropriately control any potential nuisances from the operation of the use such as control of litter or trash, loitering and crime prevention, and any other features or aspects of the operation of the proposed use that may affect the public safety, health and general welfare.

- (e) Environment and Natural Features. That the proposed use is compatible with, and appropriately protects environmental and natural resources, including the environmental and physical suitability of the site for development and that the general landscaping, screening and buffering is in character with the surrounding areas, and that the risk of fire, flood or erosion and impacts such as dust, light, vibration or noise detrimental to the public health, safety and welfare is minimized to the maximum extent practicable.
- (f) Long Term Effects. The proposed use provides positive or beneficial effects on the long-term economic stability, environmental integrity and community character of the town and surrounding properties, districts and uses.
- (g) Compliance with Supplementary Regulations. The proposed use is compliant with any applicable supplementary regulations as set-forth in Article VI of this Chapter.

(9) Action

- (a) The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Use Permit within 62 days after the hearing.
- (b) In granting a Special Use Permit, the Planning Board may impose conditions that it considers necessary to protect the health, safety, and welfare of the Town and to achieve the purposes contained in this Chapter and the Town's Comprehensive Plan. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening; requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space, requiring the protection of open space of conservation value using conservation easements, and requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.

(10) Expiration, Change or Use, Revocation and Enforcement

- (a) A Special Use Permit shall expire if the Special Use Permit use or uses cease for more than [12 consecutive months] for any reason, if the applicant fails to obtain the necessary Certificate of Compliance or fails to comply with the conditions of the Special Use Permit within [12 months of its issuance], or if its time limit specified in the Special Use Permit expires without renewal.
- (b) A Special Use Permit shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Special Use Permit (as determined by the Code Enforcement Officer in issuing a Building

- Permit or Certificate of Occupancy/Compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment, unless otherwise waived in accordance with the Article.
- (c) A Special Use Permit may be revoked by the Code Enforcement Officer if the permittee violates the conditions of the Special Use Permit or engages in any construction or alteration not authorized by the Special Use Permit.
- (d) Any violation of the conditions of a Special Use Permit shall be deemed a violation of this Chapter, and shall be subject to enforcement action as provided herein.
- G. Findings Required.** In granting or denying Special Use Permits, the Planning Board shall take into consideration the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the criteria set forth in § 147-26(F)(8) "Review Criteria" of this Article, applicable supplementary regulations as set-forth in Article VI of this Chapter, other applicable requirements and purposes of this Chapter, and the policies and goals of the current Comprehensive Plan. The Planning Board shall set forth its findings in writing as part of its decision-making process.
- H. Amendments.** The terms and conditions of any Special Use Permit may be amended in the same manner as required to grant a Special Use Permit, following the criteria and procedures in this Article. Any enlargement, alteration, or construction of accessory structures subject to a valid Special Use Permit shall require a Special Use Permit amendment unless otherwise waived in accordance with this Article.
- I. Waivers to Application Requirements.** The Planning Board may waive one or more requirements for Special Use Permit approval, approval with modifications or disapproval of a Special Use Permit submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth herein, may be exercised in the event any such requirements are found not to be requisite in the interests of the public health, safety or general welfare or inappropriate to a particular special use permit. This waiver must be approved by a supermajority of the Planning Board

§147-27 Site Plan Review

- A. Purpose and Intent.** The purpose and intent of Site Plan review is to promote the health, safety and general welfare of the town. A clean and attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. It is further the intent of site plan review to ensure that optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town, by regulating land use activity within the town through review and approval of site plans.

It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth herein.

B. Applicability. Site Plan approval is required for certain uses pursuant to the Schedule of District Regulations referenced in § 147-8 of this Chapter. For such uses, the Code Enforcement Officer shall not issue a building permit or certificate of occupancy/compliance until a Site Plan has been approved in accordance with this Chapter. Until such site plan has been approved along with any other permit or approval required, including necessary building permit(s), no building shall be erected, moved, structurally altered, added to or enlarged and no excavation or site preparation activities shall commence, unless such requirements are otherwise waived in accordance with this Chapter.

C. Exemptions. The Planning Board shall, pursuant to Section 274-a, Subdivision 5, of the Town Law, have the right to waive, when reasonable, certain requirements of this Article. This waiver authority may be exercised upon the affirmative vote of a super majority of members of the Planning Board (majority vote plus one vote) in the event that any such requirements are found not to be essential for the public health, safety or general welfare or are found to be inappropriate to a particular site plan. Any such waiver shall be subject to the following conditions:

(1) No waiver shall result in allowing a use not permitted as a principal use, special use, accessory use or an approved non-conforming use within the applicable zoning district.

(2) Is there an acceptable site/sketch plan for the parcel subject to the application?

(a) No. The application does not qualify for this waiver.

(b) Yes. The application qualifies for this waiver under the following conditions.

i. Addition not exceeding the lesser of 2,000 square feet or 25% of the floor area of an existing structure or structures.

ii. Accessory use not exceeding 1,500 square feet.

iii. Change of use, of an existing structure, that does not result in more restrictive development standards qualifies for this waiver.

(c) The Planning Board has the right to waive, but is not bound by this provision to do so.

D. Special Use Permit and Site Plan Review

(1) **Review.** The Planning Board shall conduct site plan review independently or in conjunction with their review of a special use permit application. Such review may occur concurrent with or subsequent to special use permit review. Separate application and application fees are required for each review.

- (2) **Waiver.** The Planning Board may waive site plan review as a condition of a special use permit if the Planning Board determines that considerations customarily evaluated under site plan review have been appropriately considered as part of the special use permit process. This waiver must be approved by a supermajority of the Planning Board.

E. Application Procedures

- (1) **Placement on Agenda.** In order for a Site Plan matter to be placed on the Planning Board's meeting agenda, the required application materials pursuant to paragraph (5), "Application for Site Plan Approval," below shall be submitted to the Town of Liberty Planning Board Secretary at least 10 days prior to the date of the Planning Board's meeting. In order for a sketch plan conference, as described in paragraph [(4), "Sketch Plan,"] to be scheduled, a request for such conference shall be in writing identifying the subject property, its owner and the proposed use, and shall be submitted [10 days prior to the meeting] at which the conference is requested to be scheduled. [NOTE: A new site plan application will need to be prepared by the Town for applicant use]
- (2) **Completeness Review.** At the first meeting at which a Site Plan application is first presented as an agenda item, the Planning Board shall determine whether the application is complete for purposes of commencing the review process. If an application is determined to be incomplete, the Planning Board shall notify the Applicant in writing as to what aspects of the application submittal are lacking or are otherwise insufficient to start the process. The time-frames for Planning Board action during the review process shall not commence until the submission of a fully complete application with supporting documents and materials and the determination by the Planning Board that the application is complete. As such, the scheduling of a sketch plan conference may resolve confusion and thereby save time by allowing an opportunity for the applicant and the Planning Board to identify what documentation will be expected in order to constitute a complete application.
- (3) **Multiple Uses.** If an application is for a parcel or parcels on which more than one use requiring Site Plan approval is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.
- (4) **Optional Sketch Plan Conference.** The applicant may elect to hold a sketch plan conference with the Planning Board prior to the preparation and submission of a formal site plan. The use of the sketch plan conference is strongly encouraged since it may provide for a more efficient and predictable review process and avoid unnecessary costs. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. As such, an applicant is encouraged to schedule and attend the sketch plan conference. In order to accomplish these objectives, the applicant should provide the Planning Board with as much information as is practicable; the following is suggested:

- (a) A sketch plan showing (to an approximate scale) the locations and dimensions of existing and proposed principal and accessory structures, parking areas, and other planned features;
- (b) A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features;
- (c) A statement or sketch showing significant environmental features such as streams, wetlands, forested areas, and flood plain areas; and
- (d) A topographic or contour map of adequate scale and detail to show site topography.

At the sketch conference, [or within 31 days] after the sketch conference has been held, the Planning Board shall provide the applicant with a list of information to be submitted with the site plan application as well as any recommendations that the Planning Board may have with respect to the proposed application. The list of information may be drawn from the checklist set forth in [paragraph (5), "Application for Site Plan Approval,"] as determined necessary by the Planning Board.

- (5) **Application for Site Plan Approval.** An application for site plan approval shall be made in writing to the Planning Board Secretary on forms supplied by the Town and shall be accompanied by the required fee, a site plan map (prepared by a licensed surveyor, professional engineer, architect, landscape architect, planner or other professional with competency in site design) and such other materials that includes the information contained on the following checklist. If a sketch plan conference was held, the information accompanying the site plan shall include any items that the Planning Board indicated at the conference would be required. The following is a Site Plan Checklist:

- (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- (b) North arrow, graphic scale and date;
- (c) Boundaries of the property plotted to scale;
- (d) Existing watercourses;
- (e) Grading and drainage plan, showing existing and proposed contours;
- (f) Location, design, type of construction, proposed use and exterior dimensions of all buildings;
- (g) Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- (h) Type and volume of traffic expected to be generated;

- (i) Provision for pedestrian access;
- (j) Location of outdoor storage, if any;
- (k) Location, design and construction materials for all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- (l) Description of the method of sewage disposal and location, design and construction materials of such facilities;
- (m) Description of method of securing public water and location, design and construction materials of such facilities;
- (n) Location of fire and other emergency zones, including the location of fire hydrants;
- (o) Location, design and construction of materials of all energy distribution facilities, including electrical, gas and solar energy;
- (p) Location, size, design and type of construction of all proposed signs;
- (q) Location and proposed development of all buffer areas, including existing vegetative cover;
- (r) Location and design of outdoor lighting facilities;
- (s) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- (t) General landscaping plan and planting schedule;
- (u) An estimated project construction schedule;
- (v) Record of application for and approval status of all necessary permits from state and county officials;
- (w) Identification of any state or county permits required for the project's execution;
- (x) A short-form or long-form SEQRA Environmental Assessment Form (EAF) with Part 1 fully completed by the applicant (a long-form EAF is required for all SEQRA Type I actions, but the Planning Board may require a long-form EAF for unlisted actions if the Board deems that the additional information contained on the long-form would be helpful and appropriate under the circumstances of the project proposal);
- (y) Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1-acre or more. A SWPPP

- shall comply with NYSDEC requirements for stormwater discharges from construction activities; and
- (z) Other elements integral to the proposed development as considered necessary by the Planning Board.
- (aa) Agriculture Data Statement. An agriculture data statement is required where the proposed use is located in, or within 500 feet of, the boundaries of an agricultural district.
- i. If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Site Plan application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

F. Site Plan Review Criteria

- (1) General Criteria. The Planning Board shall review the site plan to promote the health, safety, and general welfare of the Town and its citizens. The review shall include, as appropriate, but is not limited to, applicable criteria set forth in this Chapter as well as the following general considerations:
- (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project and neighborhood.
- (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (d) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (e) Adequacy of storm water and drainage facilities.
- (f) Adequacy of water supply and sewage disposal facilities.
- (g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of the existing vegetation.
- (h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

- (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (j) Adequacy of open space areas, if any, for its intended use.
- (k) Protection of adjacent or neighboring properties against noise, glare, unsightliness, odors, smoke, dust or other objectionable features.
- (l) Adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
- (m) Compatibility of structures with existing and planned uses of adjacent properties.
- (n) Consistency with Town Comprehensive Plan.
- (2) **Reservation of Parkland**
 - (a) For any site plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to NYS Town Law, Section 274-a(6), or its successor legislation.
- (3) **Review Criteria for Non-Residential Projects.** The Planning Board, in reviewing non-residential site plans, shall consider the criteria set forth below, when applicable.
 - (a) **Layout and Design**
 - i. All structures in the plan shall be integrated with each other and with adjacent structures, shall have convenient pedestrian and vehicular access to and from adjacent properties, and shall, wherever possible, be laid out in a pattern consistent with the traditional forms found in the Town of Liberty.
 - ii. Individual structures on the site should be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, and placement.
 - iii. Where feasible, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
 - iv. The Planning Board shall encourage the creation of landscaped parks or plazas easily accessible by pedestrians where applicable and feasible.
 - (b) **Landscaping**
 - i. Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

- ii. Primary landscape treatment shall consist of shrubs, ground cover, and shade trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should be appropriate to the growing conditions of the Town's environment.
- iii. Where feasible, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.
- iv. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall shall be planted and maintained at 25- to 50-foot intervals along roads, at a setback distance acceptable to the Town Highway Superintendent.

(c) Parking, Circulation, and Loading

- i. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
- ii. Where feasible and appropriate, vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of service roads and new public streets to connect adjoining properties shall be required by the Planning Board, where appropriate and feasible.
- iii. Off-street parking and loading requirements of this Chapter shall be complied with, and parking areas shall be located behind buildings wherever possible.
- iv. Access from and egress to public highways shall be approved by the appropriate Highway Department, including Town, County, State, and Federal, to the extent that said Highway Department or Departments have jurisdiction over such access.
- v. All structures shall be accessible by emergency vehicles.

(d) Miscellaneous Standards

- i. Materials and design of paving, light fixtures, retaining walls, fences, curbs, benches, etc., shall be attractive and easily maintained.
- ii. The site lighting shall limit glare on adjacent roads and properties.
- iii. Drainage of the site shall recharge ground water to the extent practical.
- iv. Surface waters flowing off-site shall not degrade any streams or adversely affect drainage on adjacent properties or public roads.

- v. Dispersal of construction and demolition wastes shall meet all applicable local, county, state, and federal requirements.

(4) Planning Board Review Procedures

(a) Public Hearing Requirements.

- i. **Discretion to Schedule Public Hearing.** The Planning Board has the discretion to hold a public hearing on the application if the Planning Board determines that there are factors involved (such as but not limited to potential public controversy, the desirability of input from adjoining property owners or the public at large and/or the project has the potential for a significant increase in traffic) that warrant a public hearing.
 - ii. **No Public Hearing.** If no public hearing is scheduled by the Planning Board for the receipt of public comments regarding the site plan, the Planning Board shall render a decision, file said decision with the Town Clerk, and mail such decision to the applicant with a copy to the Code Enforcement Officer within 62 days of the acceptance of a completed application for site plan approval.
 - iii. **Holding a Public Hearing**
 - 1. If the Planning Board determines that a public hearing is appropriate, the Planning Board shall hold a public hearing on a complete Site Plan application within 62 days from the determination of the Planning Board that the application is complete. The time in which a public hearing shall be held may be lengthened only upon consent of the Applicant and Planning Board.
 - 2. The Planning Board shall mail notice of said hearing to the applicant at least 10 days prior to such hearing.
 - 3. At least 5 days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper.
 - 4. In the case of a hearing held on an application on a property that is located within 500 feet of an adjacent municipality, the Planning Board shall give notice of the hearing to the clerk of the adjacent municipality, by either mail or electronic transmission, at least 10 days prior to the hearing pursuant to General Municipal Law § 239-m.
- (b) Reimbursable Costs.** Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan as well as its implementation and inspection shall be charged to the applicant.

- (c) **Performance guarantee.** No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The Planning Board shall recommend the amount of the performance guarantee to the Town Board. The Planning Board can consult with an engineer and other appropriate parties in making such a recommendation. The sufficiency of such performance guarantee shall be approved by the Town Board and it may consult with the Planning Board, Code Enforcement Officer, Town Attorney and other appropriate parties in making such determination.
- (d) **Application for Area Variance.** Where a proposed Site Plan contains one or more features that do not comply with the dimensional regulations of this local law, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article 10 without a decision or determination by the Code Enforcement Officer. The Planning Board shall decide whether such area variance application and Zoning Board of Appeals decision on same shall occur as a condition to the approval of the site plan, as a prerequisite for a complete site plan application, or in conjunction with the site plan process.
- (e) **SEQRA Compliance.** Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review (SEQRA) process (unless the process has been already commenced pursuant to the Special Use Permit process for the same project) by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days of its acceptance of a completed application, EAF and other supporting materials.
- (f) **Referral to County Planning Department.** Upon receipt of application materials deemed to be complete by the Planning Board, the Planning Board shall refer to the Sullivan County Planning Department any application for a Site Plan affecting real property within 500 feet of the boundary of the Town of Liberty, the boundary of any existing or proposed County or State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, Sections 239-l and 239-m, as amended.
- i. No action shall be taken on applications referred to the County Planning Department until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Department's review.
 - ii. County Disapproval. A majority-plus-one vote of the Planning Board shall be required to approve any site plan which receives a recommendation of disapproval from the County

Planning Department because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

- iii. In the case of a project proposal which also requires a Special Use Permit, every effort shall be made by the Planning Board to avoid duplication of the County referral process. However, such determination shall be made by the Planning Board in cooperation with the Sullivan County Planning Department, since the Site Plan application may contain issues not addressed in the Special Use Permit process.

G. Action. The Planning Board shall approve, approve with modifications, or disapprove the Site Plan within 62 days after the determination by the Planning Board that the Site Plan and accompanying application is complete, or if a public hearing has been held, within 62 days after the close of the public hearing. Any decision by the Planning Board shall contain written findings explaining the rationale for the decision in light of the standards or guidelines contained in this Chapter.

(1) Approval of a Site Plan. In approving a Site Plan, with or without modifications, the Planning Board may impose conditions which it considers necessary to protect the health, safety, and welfare of the Town and to achieve the purposes contained in this Chapter. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space, requiring the protection of open space of conservation value using conservation easements, and requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.

(2) Disapproval of Site Plan. Upon disapproval of a site plan, the Planning Board shall notify the applicant in writing, within 5 business days, of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.

H. Findings Required. In approving or disapproving Site Plans, the Planning Board shall take into consideration the applicable review criteria set-forth herein, the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this law and the policies and goals of the Comprehensive Plan. The Planning Board shall set forth its findings in writing as part of its decision-making process.

I. Filing of Decision. The written decision of the Planning Board on an application for site plan review shall be filed within five days from the date the decision was rendered in the office of the Town Clerk, with the Code Enforcement Officer and a copy mailed to the applicant. The site plans shall be signed as approved by the Chairman of the Planning Board and filed and mailed together with the decision.

J. Expiration, Change of Use, Revocation, and Enforcement

(1) An approved Site Plan shall expire if the Site Plan use or uses cease for any reason and for more than 12 consecutive months, if the applicant fails to obtain the necessary building permit or Certificate of Compliance or fails to comply with the conditions of the Site Plan, or if its time limit expires

without renewal. The first renewal shall remain valid for a maximum of 12 consecutive months. The second and third renewals shall remain valid for a maximum of 6 months each. If the third renewal expires, no further renewals shall be issued.

(2) A Site Plan shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Site Plan (as determined by the Code Enforcement Officer in issuing a Certificate of Compliance/Occupancy) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. [Any other change to a use allowed by Site Plan shall require the granting of a new Site Plan or an amendment.]

(3) A Site Plan approval may be revoked by the Code Enforcement Officer if the applicant or the applicant's successor or assign violates the conditions of the Site Plan approval or engages in any construction or alteration not authorized by the Site Plan approval.

(4) Any violation of the conditions of a Site Plan shall be deemed a violation of this Chapter, and shall be subject to enforcement action as provided herein.

K. Inspection of improvements. The Code Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate. If the site is not being developed in strict compliance with the approved site plan and any conditions attached thereto, the Code Enforcement Officer shall issue a stop work order and demand compliance with the approved site plan and any conditions attached thereto.

L. Alterations to an approved or conditionally approved site plan during the site development.

(1) Applicability. Applies only to those situations where during the project development phase an unforeseen event requires the relocation of a structure, roadway, utility or screening under the following conditions.

(a) The relocation of a structure cannot create a non-compliant condition with any setbacks from lot lines, other structures, roadways, walkways, easements, utilities, wetlands or conditions imposed by the Planning Board on the approved site plan.

(b) The relocation of a roadway must comply with the roadway development standards as defined in the Town of Liberty Code and the development standards in the applicable subdivision regulations. No changes to an approved exit or entrance to a public road may be altered without prior Planning Board approval.

(c) Where public utilities are contained on the site any alternations to the approved site plan must not encroach on easements, setbacks or vertical separation distances. All utilities constructed as part of the site plan must comply with imposed setbacks, depths and separation distances.

- (d) Where screening conditions have been imposed by the Planning Board either by maintenance of existing screening or by the addition of new screening the alteration cannot reduce the intent of these conditions in height, density, depth of width.
- (2) The Code Enforcement Officer and the Planning Board Chairman (or his delegate) have the authority to determine whether any deviation from an approved site plan requires prior approval from the Planning Board or can be documented on an as built plan.
- (3) The Code Enforcement Officer will not issue a certificate of occupancy until an as built plan has been submitted to the building department where accuracy will be verified and Planning Board re-approval obtained.

M. Amendments.

- (1) The terms and conditions of any Site Plan approval may be amended in the same manner as required to approve a Site Plan, following the criteria and procedures in this Article.
- (2) Any enlargement, alteration, or construction of accessory structures not previously approved shall require a site plan amendment in accordance with this Article, unless otherwise waived in accordance with this Article.

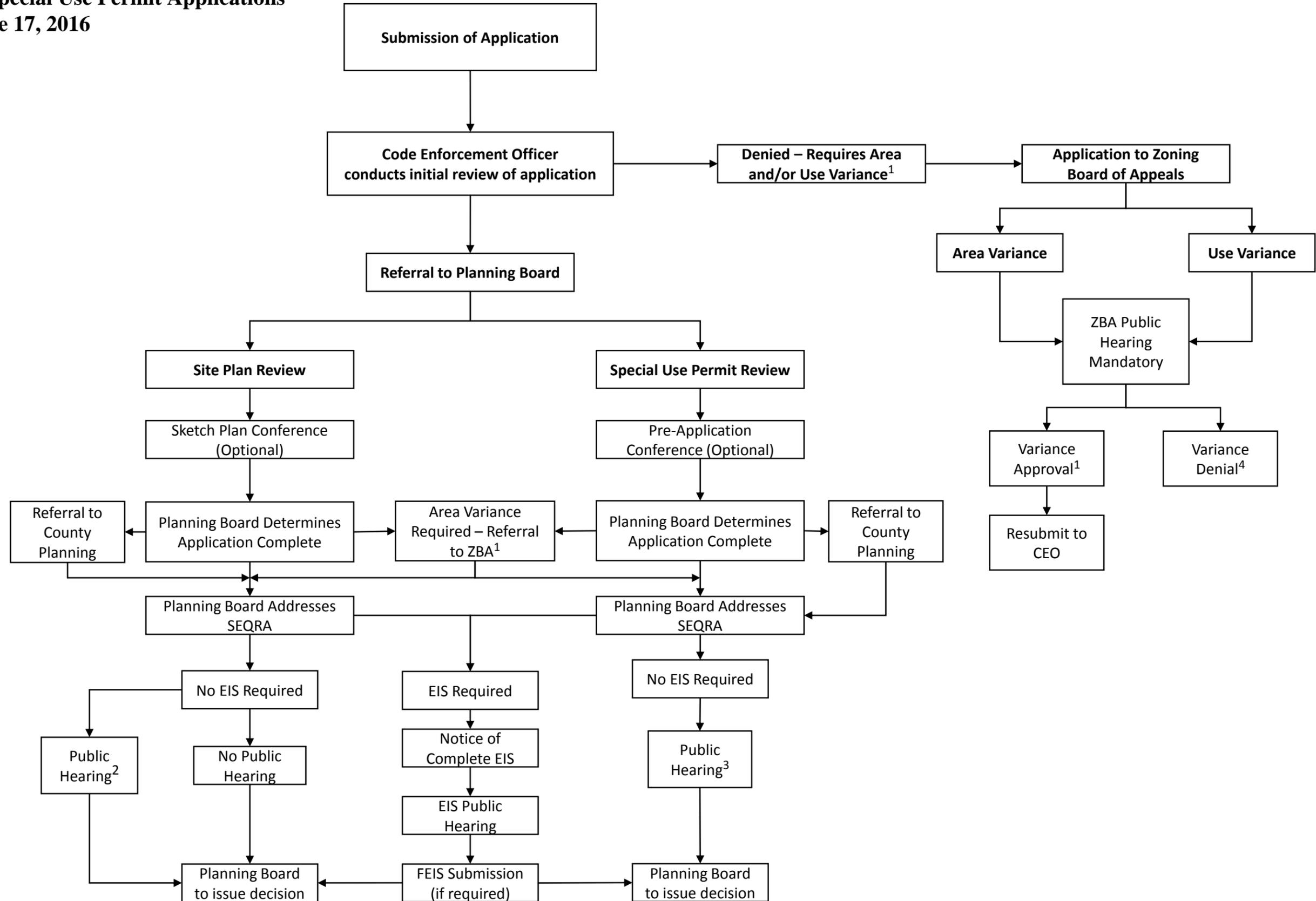
Town of Liberty, NY
Procedures for Site Plan and Special Use Permit Applications
Draft June 17, 2016

¹ Where a proposed Special Use Permit or Site Plan application contains one or more features which do not comply with the dimensional regulations of Chapter 147 of the Town Code, an application can be made to the ZBA for an Area Variance without a decision or determination by the Code Enforcement Officer. The Planning Board shall decide whether such area variance application and ZBA decision on same must occur as a condition to the issuance of the Special Use Permit or Site Plan Approval, as a prerequisite for a complete application, or in conjunction with the permit review process.

² Pursuant to Chapter 147 of the Town Code, the Planning Board shall have the discretion to require a public hearing for all Site Plan Reviews.

³ Pursuant to Chapter 147 of the Town Code, Public Hearings are mandatory for all Special Use Permit reviews.

⁴ If the requested variance, required as part of a Site Plan and/or Special Use Permit review, is denied, the review process shall end unless a revised application is submitted.



NOTE: This document is for reference purposes only and shall not supersede any requirement of Chapter 147 "Zoning" of the Town of Liberty Code.

Town of Liberty, NY
Proposed Zoning - Misc Code Changes
July 20, 2016

The following changes are proposed for § 147-14 Accessory Structures

A. Minimum yard regulations.

- (1) Unattached accessory structures accessory structures in RH, RD, R1 and R2 RS Districts. Accessory structures which are not attached to a principal structure shall occupy not more than 30% of a required rear or side yard; and shall not be located within 10 feet of side or rear lot lines or in any required portion of a front yard.
- (2) Attached accessory structures in RH, RD, R1 and R2 RS Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this chapter applicable to the principal building.
- (3) Accessory structures in other than RH, RD, R1 and R2 RS Districts. Accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than 10 feet.

The following changes are proposed for § 147-15 Amusement, recreation and social areas

A. Amusement centers, bowling alleys, and similar places of activities (including concert locations, temporary or otherwise) shall be subject to the following requirements.

- (1) The use or activity shall be conducted entirely within an enclosed structure or separated from adjoining residences by no less than 500 feet of wooded area.
- (2) Off-street parking areas shall be screened from adjoining residential properties with a solid wood fence, wall, or planting strip of dense nursery materials no less than six feet in height.
- (3) A principal structure shall be not less than 100 feet from any property line ~~within an RS District~~ or an entrance or exit of any public or semi-public institutions.

The following changes are proposed for § 147-17 Signs

A. Signs in ~~RS~~ R-1 and R-2 districts. The following types of nonilluminated, nonadvertising signs are permitted in the ~~RS~~ R-1 and R-2 Districts:

B. Signs in other districts. Business and advertising signs are permitted in other than ~~RS~~ R-1 and R-2 districts in accordance with the following regulations:

The following changes are proposed for § 147-20 Miscellaneous uses

L. Health institutions. A principal structure associated with any health institution shall be not less than 100 feet from any property line within an ~~RS-R-1~~ or R-2 District or an entrance or exit of any other public or semi-public institutions.

The following changes are proposed for § 147-22 A(1)(c) Multiple dwellings

(c) A schedule or plan, and proposed agreement(s) either with the Town of a property owners' association (POA) for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the recreation area and open space required by this chapter to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Town that maintenance and use of the property, regardless of ownership, be restricted to either activities intended for the sole benefit of the occupants of the particular project proposed or permanent open space as hereinafter provided. If a POA is to be established, and one shall be required if any property is to be held in common, such POA shall be organized in the manner provided for ~~cluster development~~ conservation subdivisions.

Town of Liberty, NY
Draft Wellhead Protection Overlay District
July 20, 2016

The following new text is proposed for Chapter §147-[To Be Determined] Wellhead Protection Overlay District

§147-XX Wellhead Protection Overlay District

- A. Purpose.** The purpose of the Wellhead Protection Overlay District is to minimize the potential for harmful or unwanted contaminants to enter the local water supply at wellheads within the town from nearby activities.
- B. Applicability.** The Wellhead Protection Overlay District shall act as an overlay to other existing zoning districts shown on the official zoning map. Any uses permitted in the underlying zoning districts shall be permitted within the Wellhead Protection Overlay District areas, except where the overlay prohibits such uses or activities, or imposes greater restrictions. The overlay shall only apply to those areas of a property which are within the zone shown on the zoning map, and does not apply to the entire property.
- C. District Boundary Interpretation.** The Wellhead Protection Overlay District is defined as a zone which extends 300 feet outward in all directions from the property line of the parcel containing each protected wellhead.
- D. Site Plan Review.** Site plan review shall be required for all new and modified uses within the Wellhead Protection Overlay District. The requirements of this section shall supplement and be in addition to the requirements of §147-27 Site Plan Review.
- (1) The following information shall be provided on any site plan for a use or activity proposed within the overlay:
 - (a) The location of the proposed use or activity in relation to the overlay boundary;
 - (b) The size and location of any existing impervious surfaces, and new proposed impervious surfaces, which would collect stormwater runoff. Any impervious surfaces which are outside the boundary of the overlay, but extend into it, shall be included.
 - (c) The existing, and proposed new, topographic grading contours of the site.
 - (2) In addition to other site plan review criteria, the Planning Board shall make a determination and recommendations regarding the following:
 - (a) The extent to which the proposed site construction or activity may increase the potential for groundwater contamination within the overlay boundaries;
 - (b) The adequacy of the proposed site plan design to prevent or mitigate potential groundwater contamination within the overlay boundary.
 - (c) Recommended site plan changes to address the concerns of items (a) and (b) above, as well as to remind and educate the property owner about the sensitive nature of this land and their responsibility to help protect it for all residents in the Town of Liberty.

E. Minimum Lot Size. The minimum lot size for residential parcels within the Wellhead Protection Overlay District which are served by on-site septic systems shall be the same as permitted in the underlying zoning, except may not be less than 3 acres.

F. Restricted Activities.

(1) Storage, stockpiling or disposal of hazardous chemicals, fuels or waste including but not limited to petroleum, fertilizers, manure, sewage, gasoline, coal, de-icing compounds, road salt and similar materials.

G. Restricted Uses. The following uses are not permitted within the overlay, even if they would normally be permitted within the underlying zoning:

(1) Automobile service stations

(2) Auto body shops

(3) Cemeteries

(4) Industrial or manufacturing facility which is subject to the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges or the USEPA National Pollution Discharge Elimination System (NPDES) stormwater permit program.

(5) Junkyard or salvage operation

(6) Dry cleaning or laundry establishment

(7) Golf courses

(8) Maintenance and repair shops for motor vehicles, internal combustion or electric motors, household appliances, electrical equipment/devices.

(9) Mining or extraction

(10) Concentrated animal feeding operation (CAFO) or intensive use poultry and swine operations

(11) Any use or activity which, at the discretion of the Town of Liberty Planning Board, is considered to have a reasonable potential to contaminate the soil and groundwater within the overlay.

H. Conflict. In case of a conflict between these requirements and any other regulations, the more restrictive regulations shall apply.

The following table is proposed to replace §147 Attachment 1 “Schedule of District Regulations”.

Town of Liberty, NY – Schedule of District Regulations – Area and Bulk Table

Draft July 20, 2016

AREA AND BULK TABLE – Minimums are per individual use.											
District	Minimum Lot Dimensions			Minimum Setbacks			Open Space	Maximums		Floor Area/ D.U.	Notes
	Lot Size	Lot Width	Lot Depth	Front	Side	Rear		Building Height	Building Coverage		
AC Agricultural / Conservation	10 5 acres	200'	200'	50'	50'	50'	50%	50'	20%		
RD Rural Development	3 acres	200'	200'	50'	25'	25'	30%	35'	15%		
R-1 Low Density Residential	10,000 s.f. (1)	100'	100'	25'	15'	30'		35' 2.5 stories	20%	1,000 s.f.	(1) Minimum lot size per dwelling unit is 10,000 s.f. with off-site sewer and water service; 30,000 s.f. with off-site sewer only; 1 acre with both on-site sewer and water. Other uses: 1 acre.
R-2 High Density Residential	7,000 s.f.	60'	100'	25'	8' (20' combined)	30'		35' 2.5 stories	20%	800 s.f.	
DCC Downtown Commercial Core	4,000 s.f.	50 40'	80'	20'	Note (2)	30'		44'		800 s.f.	(2) As determined by applicable building code.
SC Service Commercial	10,000 s.f.	80'	80'	20'	10'	10'		60'	75%		
IC Industrial Commercial	1 acre	150'	150'	50'	30'	50'		44'	75%		
PUD Planned Unit Development	In accordance with the standards identified in §147-23.										
FP Floodplain Overlay	Same as district which this overlays, except as modified by Floodplain Law.										
RH Resort Hotel	Note (3)	150'	150'	50'	50'	50'		60'	20%		(3) Minimum lot size for single family dwellings is 20,000 s.f. with either off-site sewer only or both off-site sewer and water; 30,000 s.f. with off-site water only; 1 acre with on-site sewer and water. Other uses: 3 acres.

Town of Liberty - Proposed Use Schedule Changes

Draft - July 20, 2016

P=Permitted As-Of-Right SP=Site Plan SUP=Special Use Permit

(KEY: NO CHANGE / ~~BEING DELETED~~ / BEING ADDED)

Uses	AC		RD		R-1		R-2		DCC		SC		IC		RH	
	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>
	Residential Uses															
Single/two-family Conservation Developments	SUP	SUP	SUP	SUP	SUP	SUP									SUP	SUP
Dwelling, single-family detached -Single-family detached dwellings-	P	P	P	P	P	P	P	P		P		P		P	P	P
Dwelling, multi-family Multi-family dwellings-							SUP	P				SUP			SUP	SUP
Dwelling, two-family Two-family dwellings-		P		P	P	P	P	P		P		P		P	P	P
Dwelling, upper story										P		P				
Single-family manufactured homes	SUP	SUP													SUP	SUP
Mobile home parks												SUP				
Accessory Residential Uses																
Accessory Structure, Residential		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>
Home occupations, major		<u>SP</u>		<u>SP</u>		<u>SP</u>		<u>SP</u>		<u>SP</u>		<u>SP</u>		<u>SP</u>		<u>SP</u>
Home occupations, minor		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>
Nonresidential Uses																
Agri-business	SUP	SUP	SUP	SUP												
Agri-tourism	SUP	SUP	SUP	SUP												
Animal hospital	SUP	SUP	SUP	SUP							SUP	SUP				
Auction barns	SUP	SUP	SUP	SUP							SUP	SUP				
Automobile service stations											SUP	SUP				
Auto body shops													SUP	SUP		
Bed-and-breakfast/ inns	SUP	<u>SP</u>	SUP	<u>SP</u>	SUP	SUP	SUP	SUP	P	P		<u>SP</u>		<u>SUP</u>	P	P
Boarding or tourist home															P	<u>SUP</u>
Building supply businesses												<u>SP</u>	P	P		
Business and professional offices <u>involving a maximum of 2,000 total gross square feet of floor area per use</u>										P	P		P	P		
Business and professional offices (<5,000-s ft)- <u>involving a maximum of 7,500 total gross square feet of floor area per use</u>										P	P	P	<u>SUP</u>	P	<u>SUP</u>	
Cemeteries	SUP	SUP	SUP	SUP	SUP	SUP					SUP	SUP		<u>SUP</u>		
Commercial stables and riding academies	SUP	SUP	SUP	SUP											SUP	SUP
Convenience retail establishment(s) <u>involving a maximum of 5,000 7,500 total gross square feet of floor area per use</u>											SUP	<u>SP</u>	SUP	<u>SP</u>	SUP	SUP
Crop raising, vineyards and orchards	P	P	P	P												
Dairy, livestock and poultry farming	P	P	SUP	SUP												
Day care and nursery schools		<u>SUP</u>	SUP	SUP		<u>SUP</u>		<u>SUP</u>		<u>SUP</u>	SUP	SUP		<u>SUP</u>		

Town of Liberty - Proposed Use Schedule Changes

Draft - July 20, 2016

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Uses	AC		RD		R-1		R-2		DCC		SC		IC		RH	
	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>
	Dog parks					SUP	SUP	SUP	SUP		<u>SUP</u>					
Dry cleaning, laundry establishments plants-									SUP	SUP		<u>SUP</u>	SUP	SUP		
Eating and drinking places																
Eating and drinking places <u>involving no more than 2,000 total gross square feet of floor area per use</u>									SUP	<u>SP</u>		<u>P</u>		<u>SP</u>	P	P
Eating and drinking places <u>involving no more than 7,500 total gross square feet of floor area per use</u>									SUP	SUP		<u>SP</u>		<u>SP</u>	P	P
Electronic reception devices	SUP	SUP	SUP	SUP							SUP	<u>SUP</u>	SUP	SUP	P	P
Farm and garden supplies and equipment sales	SUP	SUP	SUP	SUP								<u>SUP</u>		<u>SUP</u>		
Farm equipment sales and service operations	SUP	SUP	SUP	SUP												
Funeral home									SUP	SUP		<u>SUP</u>				
Golf courses and ski areas			SUP	<u>SUP</u>											SUP	<u>SUP</u>
Greenhouses, <u>commercial</u>	P	P	P	P								<u>P</u>				
Health institutions											SUP	SUP		<u>SUP</u>		
Hunting and fishing camps	SUP	SUP	SUP	SUP												
Indoor agriculture-													P	P		
Indoor amusement parks/bowling alleys, theaters											SUP	SUP				
<u>Lodging Facility-Hotels and motels</u>		<u>SUP</u>	SUP	SUP							SUP	SUP		<u>SUP</u>	P	P
Lumber yards													SUP	SUP		
Manufactured home sales											SUP	SUP		SUP		
Manufacturing or industrial enterprises conducted under one roof (<10 employees) (<5,000 sq ft) involving no more than 7,500 total gross square feet of floor area per use											SUP	<u>SP</u>		<u>SP</u>		
Manufacturing <u>involving more than 7,500 total gross square feet of floor area per use assembling, converting, altering finishing, cleaning or any other processing, handling or storage of materials-</u>												<u>SUP</u>	SUP	SUP		
Mixed use manufacturing/retail and service establishment <u>involving no more than 7,500 total gross square feet of floor area per use</u>												<u>SP</u>	SUP	<u>SP</u>		
<u>Mixed use manufacturing and retail and service establishment involving more than 7,500 total gross square feet of floor area per use</u>												<u>SUP</u>	SUP	SUP		

Town of Liberty - Proposed Use Schedule Changes

Draft - July 20, 2016

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	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>	Existing	<u>Proposed</u>
	Mixed use wholesale/retail involving no more than <u>7,500 total gross square feet of floor area per use</u>												<u>SUP</u>	SUP	SUP	
Mixed use wholesale/retail involving more than 7,500 total gross square feet of floor area per use														<u>SUP</u>		
Nurseries and tree farms	P	P	P	<u>SP</u>								<u>SP</u>			P	P
Owner-occupied upper story dwelling									SUP	<u>SUP</u>						
Personal service shops involving less than <u>2,000 sq ft of floor area</u>									P	<u>SP</u>	P	<u>SP</u>				
Personal service shops (<5,000 sq ft)-involving <u>no more than 7,500 sq ft of floor area per use</u>									P	-P	SUP	<u>SP</u>				
<u>Personal service shop involving more than 7,500 sq ft of floor area per use</u>									P	-P		<u>SP</u>		<u>SP</u>		
Places of worship									SUP	SUP	SUP	SUP				
Printing businesses-													SUP	-SUP		
Printing occupations of (<2,500 sq ft)									SUP	-SUP						
<u>Public buildings</u>									P	<u>SUP</u>		<u>SUP</u>		<u>SUP</u>		
Public parks and playgrounds					SUP	<u>SP</u>	SUP	<u>SP</u>		<u>SP</u>						
<u>Recreational facility, commercial/private indoor involving 2,000 gross square feet of floor area or less per use</u>										<u>SUP</u>					P	P
<u>Recreational facility, commercial/private indoor involving 7,500 gross square feet of floor area or less per use</u>												<u>SP</u>		<u>SP</u>	P	P
<u>Recreational facility, commercial/private indoor, involving more than 7,500 gross square feet of floor area per use</u>												<u>SUP</u>		<u>SUP</u>	P	P
<u>Recreational facility, commercial/private outdoor</u>		<u>SUP</u>		<u>SUP</u>								<u>SUP</u>		<u>SUP</u>	P	<u>SUP</u>
Recreational vehicle parks and campgrounds		<u>SUP</u>	SUP	SUP											SUP	SUP
Research, design and development laboratories												<u>SP</u>	P	<u>SP</u>		
Restaurants and taverns			SUP	-SUP												
<u>Restaurants, Fast Food</u>														<u>SUP</u>		
Retail and sales													SUP	-SUP		

