LOCAL LAW NO.: _____-2018

LOCAL LAW AMENDING THE TOWN OF DEWITT TOWN CODE CHAPTER 192 BY ADDING A NEW SECTION 192-64.4 MIXED USE VILLAGE OVERLAY FLOATING DISTRICT AND AMENDING AND STRIKING PROVISIONS NECESSARY FOR IMPLEMENTATION OF SAID LOCAL LAW

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF DEWITT AS FOLLOWS:

Section 1: The Town of Dewitt has unique locational and demographic assets which make its commercial areas exceedingly attractive for development; yet the Town remains an automobile-centric place where commercial neighborhoods remain disconnected from residential neighborhoods. The current zoning in the Town reinforces this condition. Through the creation of the Mixed Use Village Overlay Floating District the Town will provide for a voluntary optional path of development combining residential uses with commercial development. This new pedestrian-oriented development will help to foster new neighborhood areas within the Town of DeWitt that can be attractive to employers who are seeking a more active and exciting urban context to locate their businesses. Over time these districts can provide a sufficient density of employees, residents, and recreational users to support public transit, and increase the walkability of the Town.

Section 2: The Town of Dewitt Town Code, being Local Law No.1 of 1991, as has previously been amended, is hereby further amended to add a new Section 192-64.4 MIXED-USE VILLAGE OVERLAY FLOATING DISTRICT; a new Section 192-103 G. PARKING IN MIXED-USE VILLAGE OVERLAY DISTRICT; and adding a new Chapter 192 APPENDIX A- MIXED USE VILLAGE FLOATING OVERLAY DISTRICTS MAP; and it is hereby further amended by striking and replacing Sections 192-44 Z.; 192-48 GG.; 192-52 Y.; 192-56-FF.; and 192-60 TT., with new Mixed-Use language requirements; and by striking and amending the definitions of “MIXED-USE” and “BUILDING HEIGHT” in section 192-14; and it is hereby further amended by striking Sections 192-45 B; 192-48 HH., II., AND JJ.; 192-49 B.; 192-52 Z.; 192-53 C.; 192-56 GG.; 192-57 C.; 192-60 UU., VV, AND WW; and 192-61 E. of the Code to further implement the Mixed Use Village Overlay Floating District, all as follows:

“§192-64.4 Mixed-Use Village Floating Overlay District

A. Purpose: The specific objectives of these Overlay Districts are to:
   1. To encourage ‘Village Center’ type development;
   2. Achieve a compact pattern of development that encourages people to walk, ride a bicycle or use public transit;

3. Allow for a mix of uses, inclusive of residential, designed to attract pedestrians;
4. To discourage singular use buildings developed as isolated islands within an expansive parking lot;
5. To encourage the adaptive reuse of aging commercial strip developments;
6. Provide a high level of amenities that creates a comfortable environment for pedestrians, bicyclists, and other users;
7. Provide sufficient density of employees, residents and recreational users to support public transit, while generating a relatively high percentage of trips serviceable by public transit;
8. Maintain an adequate level of parking appropriate to the use and integrate this use safely with pedestrians, bicyclists, and other users;
9. To enhance the existing natural features of the Town, including waterways landmarks, etc.;

B. Applicability

1. The requirements of this chapter are applied after voluntary application to the Town Planning Board requesting the application of such "Mixed-Use Village Overlay"; and upon recommendation of the Planning Board to the Town Board; and adoption by the Town Board and amendment of the Official Zoning Map of the Town of DeWitt.
2. The requirements of this Chapter may only be applied, after all procedural requirements are met, to structures, uses and properties within the area(s) designated as "Mixed-Use Village Overlay Floating Districts" as set forth in "Appendix A" of this Chapter.
3. Any property owner desiring to utilize this Chapter for structures, uses and properties within a Mixed-Use Village Overlay area shall make application with a) the Town of DeWitt Planning Board for Site Plan Review pursuant to Chapter §192-122; and b) upon an amendment of the Zoning Map following the procedure set forth in §192-121.
4. The applicable regulations for specified uses (Article XVI), requirements applying to all districts (Article XVII); all requirements of the Zoning District in which the structure, use or property is situate shall apply to all structures, uses or property within the Mixed-Use Village Overlay District except as same may be specifically modified in this Chapter.
5. Until all requirements of this Chapter are followed including the amendment of the Official Zoning Map of the Town of DeWitt as contemplated herein, the Zoning District and its requirements pursuant to the Code of the Town of DeWitt remain unchanged.

C. General Overview:

1. Mixed use is intended to provide a development where residential uses, accompanied by commercial uses, are integrated into a pedestrian-friendly neighborhood. Project amenities that address this objective include but are not limited to:
   1.1. Sidewalks throughout the development, including walkways within parking lots.
   1.2. Architectural street lighting and site furniture.
   1.3. Consistent architectural theme throughout.

1.4. Extensive landscaped and green areas with feature areas for pedestrian and public use.

1.5. Clustering of buildings which allow for large areas for walks, pathways and recreational areas, as well as connections to adjoining properties and nearby uses and facilities.

2. Overall project density shall be based on the parameters described herein in consultation with the Planning Board prior to preliminary site plan and subdivision preparation.

3. Portions of buildings designated and approved for commercial purposes shall not be used for dwelling purposes, and portions of buildings designated and approved for dwelling purposes shall not be used for commercial purposes.

4. Dwelling units in any residential district shall not be converted or altered to allow other uses.

4.1. This provision shall not be deemed to prohibit the use of a portion of the building or structure as living quarters for caretakers or attendants of places of worship or institutions where such uses are authorized in any zoning district.

5. The procedure outlined in §164-10, Modifications of zoning provisions; cluster development, as provided for in New York State Town Law §278 may be applicable to Mixed-Use Village Overlay District(s) for development which utilizes this section 192-64.4

6. Street-level uses:

6.1. One or more of the uses listed in this subsection are required at street level on all lots abutting streets shown on the Mixed-Use Village Overlay Map. The following uses, if permitted in the underlying zoning district, qualify as required street-level uses:

6.1.1. General sales and service uses;

a. Educational Facility.
b. Religious use.
c. Business Office.
d. Day-care center.
e. Finance/banks.
f. Funeral Home/mortuary.
g. Retail Store.
h. Animal Day-care.
i. Administrative and management services.

6.1.2. Eating and drinking establishments;

a. Café without Drive-through facilities.
b. Restaurant without Drive-through facilities.

6.1.3. Entertainment uses;

a. Recreational and entertainment facilities, indoor.

6.2. Orientation of street-level uses

6.2.1. Street-level uses must be oriented toward the primary street or streets, public or private, in the mixed-use development.

D. Permitted structures and uses.

1.1. Within all Mixed-Use Village districts (MUV-1, MUV-2, MUV-3) , the following use is allowed above the ground floor

1.1.1. Dwelling, Multifamily.

E. Lot Area and Yard Regulations

Standards	MUV1	MUV2	MUV3
Building Height[1] - maximum stories (feet)	2 Stories (25'-0")	4 Stories (50'-0")	6 Stories (65'-0")
- Height transition, or step-down, required when adjacent to residential use or zoning district.	No	Yes - 1:1 from facing property line	Yes - 1:1 from facing property line
Floor Area Ratio (floor space-to-land area)			
- Minimum	0.50	1.00	1.50
- Maximum	1.00	1.50	2.00
Yard Setbacks (feet)[1]			
- Front setback – minimum	*14'-0"*	*16'-0"*	*20'-0"*
- Front setback – maximum	*18'-0"*	*20'-0"*	*24'-0"*
-			
Lot Coverage – performance standard			
- Maximum Building Coverage:	40%	40%	40%
- Maximum Lot Coverage: The area covered by impervious surfaces shall be minimized to the greatest extent practicable; best practices for surface water management shall be required.	80%	75%	70%
- Minimum Green Space	10%	10%	10%
Landscaping – Per Chapter 192-100 – Street trees required – Landscape buffer between parking lot and adjacent pathways and streets – Parking lot minimum interior landscape. *Does not apply to structured parking, underground or multistory.*	 Yes Yes 10%, for lots with more than 10 parking spaces	 Yes Yes 10%, for lots with more than 10 parking spaces	 Yes Yes 10%, for lots with more than 10 parking spaces

– Landscaping buffer between abutting commercial/civic/ industrial and residential uses and districts, as determined through site plan review; exceptions may be granted through site plan review, as appropriate for mixed-use projects.	Yes	Yes	Yes
Lighting – Building entrances – Parking areas and pathways	 Yes Yes	 Yes Yes	 Yes Yes

§192-103 G. Parking in Mixed-Use Village Overlay District.

1. Off-Street Parking requirements shall comply with Section §192-103 of the Town Zoning Code, or as modified below and further within this section.
   1.1. **Schedule of Parking Requirements (per square feet net floor area)**

COMMERCIAL USES

Minimum Parking Spaces

Office, professional (not including medical offices)	3 per 1,000 sf
Retail sales and service over 2,000 but less than 25,000 sf	3.5 per 1,000 sf
Shopping center and retail sales and service (25,000 to 200,000 sf)	3 per 1,000 sf, plus 1 per 5 seats in sit-down restaurants and theaters
Note: When calculating total spaces, round up to the nearest whole number.	

2. The Planning Board may modify the parking requirements in a Mixed-Use Village Overlay District development in accordance with the following:
   2.1. Except for parking count, any or all parking requirements contained in § 192-103 may be waived or modified by the Planning Board. The parking count may be modified upon findings that:
      2.1.1. There is insufficient lot area to accommodate such parking.
      2.1.2. The use is generally adapted to pedestrian traffic.
      2.1.3. There are sufficient on-street, shared or municipal parking facilities to accommodate anticipated parking needs.
   2.2. Off-site parking as described in §192-103E(l) may be anywhere within the subdivision upon findings by the Planning Board that it can be utilized practically.

2.3. Reserve parking, as described in §192-103 E. (2) and limited to office use, may be expanded to include all uses authorized within the district in which the subdivision is located except for restaurants upon findings by the Planning Board that adequate parking will be provided.

2.4. Public on-street parking can be utilized to satisfy parking counts upon approval of the Town Engineer and the Planning and Zoning Department.

2.5. Parking spaces provided for residential use may be counted toward commercial uses upon Planning Board finding that the commercial and residential uses are suitable for shared parking.

3. All new or expanded parking areas must be located in the rear or side yards of the building. No new or expanded parking areas are permitted in the front yard for new construction. For the purposes of this provision, parking on corner lots shall have one front yard and one side yard; planning board shall determine primary street and associated front and side yards.
4. Both rear parking lots and parking garages or decks may be constructed. Parking deck facades must have the appearance of horizontal storied buildings, be of similar paint or material tone as surrounding buildings and have storefront treatment on ground floor. Parking decks and garages must contain retail, office or civic uses along the frontage on the first floor.
5. Parking facilities must be readily accessible by pedestrian pathways and sidewalks with a maximum of one curb cut per side.
6. A parking lot or garage may not be adjacent to a square or adjacent to or opposite a street intersection or occupy lots that terminate a street vista.
7. No special restrictions shall apply to below ground parking facilities.

Chapter 192 APPENDIX A- MIXED USE VILLAGE FLOATING OVERLAY DISTRICTS MAP:

[MAP ATTACHED AT END OF DOCUMENT]

§192-44 Z. Mixed use, only in areas designated as Urban Village Overlay District in Appendix A to this Chapter 192, and pursuant to meeting all the requirements set forth in §192-64.4 Mixed-Use Village Floating Overlay District.

§192-48 GG. Mixed use, only in areas designated as Urban Village Overlay District in Appendix A to this Chapter 192, and pursuant to meeting all the requirements set forth in §192-64.4 Mixed-Use Village Floating Overlay District.

§192-52 Y. Mixed use, only in areas designated as Urban Village Overlay District in Appendix A to this Chapter 192, and pursuant to meeting all the requirements set forth in §192-64.4 Mixed-Use Village Floating Overlay District.

§192-56 FF. Mixed use, only in areas designated as Urban Village Overlay District in Appendix A to this Chapter 192, and pursuant to meeting all the requirements set forth in §192-64.4 Mixed-Use Village Floating Overlay District.

§192-60 TT. Mixed use, only in areas designated as Urban Village Overlay District in Appendix A to this Chapter 192, and pursuant to meeting all the requirements set forth in §192-64.4 Mixed-Use Village Floating Overlay District.

§192-14: MIXED USE, URBAN VILLAGE OVERLAY DISTRICT – A development or redevelopment that allows for two or more principal uses, which are permitted in the district, in any single development or in a single building or on a single lot, one use of which must be residential use.

§192-14: BUILDING HEIGHT – The vertical distance measured from the grade plane to the average height of the highest roof surface."

Strike in its entirety Code Sections 192-45 B; 192-48 HH., II., AND JJ.; 192-49 B.; 192-52 Z.; 192-53 C.; 192-56 GG.; 192-57 C.; 192-60 UU., VV, AND WW; and 192-61 E.

Section 3: Local law No.: 1 of 1991, as amended, remains in full force and effect except as hereinabove amended.

Section 4: This local law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State.



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