

TOWN OF ROCHESTER

50 Scenic Drive • P.O. Box 65 • Accord, NY 12404
Area Code 845

Town Clerk 626-7384
Supervisor 626-3043
Highway Dept 626-7221
Assessor 626-0920
Transfer Station 626-5273



Code Enforcement 626-2433
Planning Board 626-2434
Zoning Board 626-2434
Court House 626-2522
Youth Commission 626-2115

LOCAL LAW 13 of 2023 AMENDMENT to CHAPTER 140, ZONING

EXECUTIVE SUMMARY of CHANGES

1. General “cleanup” of language adding clarification and increased explanation of items in the code.
2. Definitions - Many added and expanded definitions. Continuity of definitions with state code and Town subdivision code.
3. Zoning Districts
 - a. Changed name of Residential Agricultural District to Local Agricultural District (AR-3 renamed A-3) to better reflect the primary purpose of this district being agricultural uses and not residential uses.
 - b. Added new district Preserved Land (PL-10), a district intended to protect the Town’s critical high value natural resources, watershed and large open areas of the Town as specified in the Comprehensive Plan, while allowing for both very low-density residential and accessory uses.
 - c. Added new district Community Services to recognize municipally owned or other emergency services properties.
 - d. Added new overlay district Historic Preservation Overlay (HP) recognizing the National Register Historic Districts of Accord and Alligerville. Adds design standards and review criteria for same.
 - e. Adds prohibited uses in the Aquifer Protection Overlay District.
 - f. Adds uses which are designated a Type 1 action under SEQRA in the Aquifer Protection Overlay District.
 - g. Raises the minimum density for residential use in the Floodplain Development Overlay District
 - h. Adds prohibited uses in the Floodplain Development Overlay District
4. Adds new prohibited uses.
5. Lot Development

- a. Establishes recommended guidelines and references use of the guidelines set forth in the Ulster County Community Design Manual, and its revisions as adopted in 2018 by Ulster County Planning Board for lot development.
 - b. Allows for 1.5x density bonus for use of green energy.
 - c. Allows for 1.5x density bonus for affordable housing.
 - d. Establishes Lot Standards For
 - i. Driveway access
 - ii. Land Disturbance over 1 acre requires Site Plan review, except agricultural uses.
 - iii. When Hydrogeological Study is required
 - iv. Varies lot frontage requirements based on district with reduction in Hamlet District and increase in PL-10, I, and NR district.
 - v. Bans shared driveways from cul-de-sacs.
- 6. Established flag lot standards
- 7. Clarifies front yard setback starting locations based on varying types of roadways.
- 8. Establishes waterfront yard setbacks and conditions for development of same
- 9. Establishes cargo container use as accessory and establishes standards for use (previously only allowed in commercial, agricultural, or industrial uses, now allowed in residential)
- 10. Adds swimming pools as an accessory structure.
- 11. Increases allowable front yard fence height from 4 foot to 6 foot.
- 12. Establishes where measurements of fence height begin.
- 13. Clarifies residential construction on a vacant lot may allow both a residential structure and an ADU to be constructed simultaneously.
- 14. Defines permitted by right agricultural uses in a NYS certified Agricultural District
- 15. Defines animal husbandry uses not located in a NYS certified Agricultural District and established standards for same
- 16. Allows farmstands as accessory uses with maximum standards for same
- 17. Establishes standards for review of kennels.
- 18. Establishes landscaping plan standards.
- 19. Lessens number of parking space requirements to lessen stormwater impacts.
- 20. Adds EV charging station requirements for multi residential structure use, and other commercial, recreational, and civic uses.

21. Adds requirements for parking areas to address snow pileup areas.
22. Establishes parking landscaping guidelines.
23. Encourages cross access for adjoining parking areas.
24. Establishes general commercial and industrial performance standards for green energy, building design and location, building size, Route 209 design, commercial/residential buffers, inflammables, electrical disturbances, noise, vibration, lighting, air pollution, and water pollution.
25. Establishes a simplified sign ordinance with clear definitions, photos of examples, detailed standards, and guidelines for Planning Board review, when required.
26. Establishes new supplemental regulations for several uses.
 - a. Camps
 - b. Planned Unit Developments
 - i. Removes Planned Residential (replaced with expanded multifamily residential use) and Planned Resort from current code.
 - c. Multifamily
 - i. Requires affordable housing units in new multifamily construction.
 - ii. Requires bicycle storage and EV charging in multifamily construction.
 - iii. Establishes design guidelines.
 - iv. Adds R-2 to density bonus zoning districts.
 - v. Requires multifamily constructed on agricultural lands to follow conservation subdivision requirements.
 - vi. Lowers number of units which require development of playground area.
 - d. Expand setbacks for non-DEC controlled mining.
 - e. Cleanup of wireless telecommunications to match federal laws.
 - f. Requirement of minimum of 1 unit per 10 set aside for affordable housing.
 - g. Adds new use Adult Use Cannabis Related Businesses as per recent state law standards.
 - h. Explains Transfer of Density Rights
 - i. Adds new standards for commercial events facilities, makes Special Use permit approval of same to be a renewable 2-year permit, removes the use from residential zoning districts, establishes a maximum of 500 attendees, further restricts hours of operation from current code, and establishes noise standards.

- j. Large Scale Solar
 - i. addresses battery storage system standards
 - ii. Removes large scale solar from Ulster County habitat core areas.
 - iii. Allows for dual purpose solar/agricultural use.
 - iv. Establishes solar setback standards.
 - v. Bans large scale solar on 15% or greater slopes.
 - vi. Encourages pollinators as ground cover.
 - vii. Requires stormwater maintenance plan.
 - viii. Requires wildlife friendly fencing.
 - ix. Requires bonded decommissioning plan.
- k. Adds new use contractor storage yards and standards for same
- l. Rewrite of Nonconforming uses and structures subsection
- m. Rewrite of use of nonconforming lots of record subsection
- n. General cleanup of site plan/special use review and application requirements
- o. General cleanup of administration and enforcement subsection
- p. Addition of appendices for zoning map, schedule of lot development standards, and schedule of district uses*

*Zoning map to be referred separately at a later date