

# VILLAGE OF MACEDON

Local Law No. 2 of 2009

## INCENTIVE ZONING LAW

### Section 1. Title.

This law shall hereinafter be known and cited as the "Incentive Zoning Law of the Village of Macedon."

### Section 2. Purpose.

- A. It is the purpose of this law to empower the Village Board to grant incentives or bonuses to advance the Village's specific physical, cultural and social policies in accordance with the Village of Macedon Master Plan and in coordination with other community planning mechanisms and/or land use techniques.
- B. Incentive zoning is restricted to added benefits. Incentives shall be granted only when the community benefit or amenities offered would not otherwise be required or likely to result from the applicable planning process before the Planning Board. Such benefits shall be in addition to any items that are or would be required under other provisions of this chapter or state law, including any mitigation measures required pursuant to the State Environmental Quality Review Act.

### Section 3. Legislative Authority.

In accordance with Section 7-703-2 of the Village Law of the State of New York, the Village of Macedon Board of Trustees is empowered to provide for a system of zoning incentives, or bonuses, as the Village Board deems necessary and appropriate consistent with the purposes and conditions set forth in said Section.

### Section 4. Jurisdiction.

This law shall apply to the entire area of the Village of Macedon, but shall provide for any future amendments or adoptions to the Village of Macedon Zoning Ordinance in any of its districts as well as the Village of Macedon Master Plan and any future Main Street Overlay District as applicable.

Section 5. Definitions.

Definitions, as used in this law:

- A. "Incentives or bonuses" shall mean adjustments to the population density, area, height, open space, use, or other provisions of a zoning ordinance or local law for a specific purpose authorized by the Village Board.
- B. "Community benefits or amenities" shall mean open space, housing for persons of low or moderate income, parks, housing for seniors, elder care, daycare or other specific physical or social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the Village Board.
- C. "Incentive zoning" shall mean the system by which specific incentives or bonuses are granted, pursuant to Section 7-703 of the Village Law of the State of New York, on condition that specific physical, social, or cultural benefits or amenities would inure to the community.
- D. "Architectural Review" shall mean a part of the application process whereby the applicant will provide information regarding the visual features of the structure and appropriate construction details to determine if amenities or incentives provided are in accordance with the Village of Macedon Master Plan, other Zoning and Planning Mechanisms in place and the aesthetic goals of the community.

Section 6. Amenities for Which Incentives May be Offered.

- A. The following amenities may be either on or off the site of the subject application:
  - 1. Preservation and/or permanent protection of: open space, environmentally sensitive vegetation, landform, critical wildlife habitat, scenic views, and public trails/trail linkage.
  - 2. Regional parks.
  - 3. Utilities and appurtenances, including land devoted to regionalized drainage facilities.
  - 4. Road and highway improvements in excess of those required to mitigate proposed impacts.

5. Preservation of cultural or historic facilities.
  6. Other facilities or benefits to the residents of the community determined by the Village Board and/or Planning Board.
  7. Any combination of above listed amenities and/or cash in lieu of any amenity(s) for specific purposes identified.
  8. Providing for public trails, trail linkages or walkway networks.
- B. These amenities shall be in addition to any mandated requirements pursuant to other provisions of The Village of Macedon Zoning Ordinance, Development Regulations and Specifications of the Village of Macedon.

Section 7. Incentives Permitted.

The following incentives may be granted by the Village Board to an application on a specific site:

- A. Increases in residential/nonresidential unit density.
- B. Changes of use.
- C. Increases in lot coverage.
- D. Changes in setbacks or height.
- E. Increases in floor area.
- F. Reduction of required buffer area.
- G. Any other changes in the Zoning Ordinance, Planning or Development regulations and specifications of the Village of Macedon if approved by the Village Board.
- H. Lease agreements with the Village of Macedon regarding permitted uses of Village properties for easements, parking, business signs, or other like applications permitted on approval by the Village Board of Trustees some of which can provide a residual income to the Village to be used exclusively for Village improvements and amenities.

Section 8. Criteria and Procedure for Approval.

- A. Applications for incentives in exchange for amenities shall be submitted to the Planning Board for Site Plan/Subdivision/Special Use Permit review

and to the Village Board concurrently. Both submissions shall follow the adopted procedures and shall include the following information:

1. Written description of the proposed amenity.
  2. The cash or economic value of the proposed amenity.
  3. A narrative which:
    - a. Describes the benefits to be provided to the community by the proposed amenity.
    - b. Gives preliminary indication or demonstration that there is adequate sewer, water, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and amenity, if it is an on-site amenity, may place on these facilities beyond the demand that would be placed on them as if the district were developed to its fullest potential.
    - c. Explains how the amenity helps implement the physical, social or cultural policies of the Master Plan and any other adopted studies or plans as supplemented by the local laws and ordinances adopted by the Village Board.
  4. Written description of the requested incentive.
  5. Sets of maps containing both the requested incentive layout and a layout conforming to current requirements.
  6. Documentation in compliance with the State Environmental Quality Review Act (SEQRA).
  7. Completion of architectural review assessment to determine if proposed Incentives and or Amenities detailed in the application are in harmony with the Village of Macedon Master Plan or other planning and land use mechanisms.
  8. Letter waiving any timeline requirements for decisions by the Village Planning Board.
- B. The Planning Board shall review the submission and hold a scheduled work session or public meeting in conformance with its adopted meeting schedule and submissions deadlines and shall hear testimony on the proposed application. Following said meeting, the Planning Board shall

prepare comments pertaining to the submission application and forward them to the applicant and the Village Board.

- C. The Village Board shall determine, based upon input from the Planning Board and other information / input it deems necessary, if the application warrants further consideration under this Local Law. Said determination shall be disclosed in a findings report or similar document, a copy of which shall be made available to the applicant and the Planning Board. If further consideration is appropriate, the applicant shall be directed to continue with the pending site plan/subdivision/special use permit application per the requested incentive. Once the application has been determined to be complete, a public hearing will be scheduled before the Village Board. The Village Clerk shall give notice of the hearing in the official newspaper of the Village at least ten (10) days prior to the date of the hearing.
- D. The applications shall be referred to other agencies for input as appropriate, including but not limited to the Wayne County Planning Board, the Village of Macedon Consulting Engineer, Town of Macedon and applicable County, State or Federal agencies.
- E. All applicable requirements of the State Environmental Quality Review Act (SEQRA) shall be complied with as part of the review and hearing process, in addition to other information that may be required as part of an environmental assessment of the proposal. The assessment shall include verification that the zoning district in which the proposal is to be located has adequate sewer, water, transportation, waste disposal and fire protection facilities to:
  - 1. First, serve the remaining vacant land in the district as though it were developed to its fullest potential under the district regulations in effect at the time of the amenity / incentive proposal.
  - 2. Then to serve the on-site amenity and incentive, given the development scenario in Subsection E-1 above.
- F. In order to approve an amenity / incentive proposal, the Planning Board shall determine that the requirements of SEQRA have been met and the proposed amenity provides sufficient public benefit to allow for the requested incentive. Thereafter, the Village Board is authorized to act on an application for approval, once approved; the Village Board will furnish a written order of actions to be completed by the applicant regarding additional construction documents, site plans, and the amenities to be provided to the Village of Macedon community.

Section 9. Cash Payment in Lieu of Amenity.

If the Village Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Village Board may consider a cash payment in lieu of the provision of the amenity. These funds shall be placed in a trust fund to be used by the Village Board exclusively for amenities specified in these provisions. For one-time payments, cash payments shall be made prior to the issuance of a building permit or prior to final signatures on approved plans, whichever occurs first. The Village Board will set the requirements for any long-term or incremental payments.

Section 10. Severability.

The provisions of this local law are severable. If any section, subdivision or provision of this local law shall be adjudged invalid, such invalidity shall apply only to the section, subdivision or provision adjudged invalid, and the rest of this local law shall remain valid and effective.

Section 11. Effective Date.

This law shall be effective immediately upon its filing with the Office of the New York State Secretary of State.

Hearing:

Adopted:

Effective: