

# Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Perth .....

Local Law No. 1 of the year 2013

A local law amending Local Law #1 of the year 2002 so as to add an  
(Insert Title)

ARTICLE III-B regarding a Business and Technology Zone (BTZ)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Perth ..... as follows:

The text of this Local Law is annexed hereto.

**ARTICLE IV**  
**BUSINESS AND TECHNOLOGY ZONE (BTZ)**

**A. Purpose:**

1. The purpose of the Business and Technology Zone (BTZ) will be to facilitate the redevelopment of the former Tryon Campus along County Highway 107 in the Town of Perth by:
  - a. Creating shovel-ready sites to encourage the development of technology facilities, research and development facilities, light industrial operations, typical office park development, assembly and manufacturing, medical facilities, educational facilities and accessory businesses.
  - b. Reusing and/or redeveloping the existing buildings on the former Tryon Campus.

**B. Location and Boundaries:**

1. The location and boundaries of the BTZ are herein declared and delineated on the official Zoning Map, as attached hereto.

**C. Components:**

1. The BTZ includes three (3) separate components:
  - a. The first component will be the 300+/- acres and existing buildings that would comprise the formal Technology Park and Incubator Center. This area will be developed into shovel-ready sites for new businesses. The existing buildings will be used as incubator space for small companies and for accessory businesses.
  - b. The second component will be the remaining 215+/- acres that would be used as follows:
    1. Multi-Use development on the north and west ends of the former Tryon Campus on approximately 100-150 acres.
    2. Highway Business development along the south side of County Highway 107 on approximately 15+/- acres.
  - c. The third component will be the preservation of Open Space on those lands not developed.

**D. Existing Buildings:**

(Note: An aerial photo depicting the size and location of all existing buildings in the Tryon Technology Park and Incubator Center at the time of adoption of this Local Law is attached to this Local Law and made part of this Article.)

1. One component of the Tryon Technology Park and Incubator Center will be to use the existing buildings on the former Tryon Campus. These buildings can be used for any use

identified in Section E of this Article as well as storage space. The buildings can also be used as incubator space for small, growing companies.

2. There is likely to be turnover in the occupancy and use of these existing buildings as companies grow and look to occupy larger spaces or develop their own facilities. The ability to use these existing buildings will depend upon providing regulatory flexibility that will allow a variety of compatible uses.
3. Reuse of existing buildings in the Tryon Technology Park and Incubator Center shall not be subject to the Site Plan Review process outlined in Article V of this Local Law. The Town of Perth Planning Board shall be notified each month during its regularly-scheduled meeting of any impending occupancy or change in occupancy of any existing building within the Tryon Technology Park and Incubator Center.

**E. Permitted Uses:**

New construction and development within the BTZ, not involving a building in existence at the time of adoption of this Local Law, shall be subject to the provisions of Article V of this Local Law. There are no uses permitted by right within the BTZ. All uses listed below shall be subject to a site plan review by the Planning Board in accordance with Article V of this Local Law:

1. High tech information, communication, commercial computer services and related businesses.
2. Research and development of materials, methods or products, including engineering and laboratory uses, renewable energy businesses, nano sciences and commercial and physical research, and related uses.
3. Business and professional offices including single or multi-unit office buildings.
4. Manufacturing, processing, assembly, fabrication and related facilities.
5. Warehouse and distribution facilities as a component of a manufacturing, processing, assembly, fabrication and related facilities.
6. Fitness and Recreational Sports businesses.
7. Educational facilities.
8. Retail, commercial and service businesses such as:
  - Banks/credit unions
  - Restaurants and sandwich shops
  - Daycare facilities
9. Hotel/Conference Center/Motel
10. Housing
11. Medical Offices and Health Care Facilities.

**F. Development Standards:**

All new development in the BTZ shall be completed in accordance with the Development Standards outlined below:

1. Land Coverage, Setbacks and Building Ratio:

- a. There is no minimum lot size in the BTZ Zone.
- b. The maximum percent of the lot occupied by buildings, parking, roads or any other impervious surface shall not exceed 50% of the lot.
- c. The minimum lot width, depth and building setbacks for a lot shall be established by the Town of Perth Planning Board during the site plan review process.
- d. No parking, paving, outdoor storage or truck maneuvering areas shall be allowed to encroach upon the setback area as established by the Planning Board for an individual lot. However, driveways and access routes onto the lot must be paved and shall not be considered an encroachment on the setback areas.

2. Building Design:

- a. The maximum height of a building in the BTZ shall be 40'.
- b. The architecture and quality of materials used for buildings shall be reviewed and approved by the Town of Perth Planning Board. The design and siting of buildings shall compliment the natural terrain and any significant vegetation on the site. All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry, stone, brick, wood, stucco, glass or steel. Exterior building walls shall have a positive visual affect when viewed from adjacent areas.
- c. Roof vents, chimneys, fans and other rooftop mechanical units must be screened from ground view by parapet walls or other design features architecturally integrated with the design of the building.
- d. Any ground-mounted mechanical equipment, such as heating, ventilating and air conditioning (HVAC) units, utility meters, transformers, propane tanks, etc. shall be located to the side or rear of a building and be adequately screened.
- e. No material storage, garbage containers or refuse shall be allowed nearer than 25' to an adjacent property line. All waste storage and collection areas, refuse and recycling receptacles and similar uses shall be screened on three (3) sides with a minimum 6' high opaque fence or wall or by dense landscaped plantings approved by the Town Planning Board.

3. Off-street Parking and Loading Facilities:

- a. Off-street parking and, whenever necessary, off-street loading areas shall be provided for all uses in the BTZ. No on-street parking or loading facilities shall be permitted. All parking and loading areas must be paved.
- b. Parking spaces must be, at a minimum, 9' in width x 18' in length and there must be at least 25' of rear maneuvering space between rows of parking.
- c. To ensure adequate parking for uses within the BTZ, the minimum required number of spaces for a particular use shall be as follows:
  - High-tech, information, communication, Commercial computer services and related businesses : 4 spaces per 1,000 sq. ft. of floor
  - R&D, Engineering and Laboratory Uses : 1 space for each 1,000 sq. ft. of gross floor area
  - Business and Professional Offices : 1 space for each 1,000 sq. ft. of gross floor area plus 1 space for each employee.
  - Medical Offices : 1 space for each 500 sq. ft. of gross floor area plus 1 space for each employee or 1 space for each 200 sq. ft. of gross floor area, whichever is greater
  - Health Care Facility : 1 space for every 2 beds plus 1 per doctor plus 1 per employee on the largest shift
  - Manufacturing Processing, Assembly and Fabrication Facilities : 1 space per 1,000 sq. ft. of gross floor area plus 1 space for each employee working during the largest shift
  - Warehouse and Distribution Facilities : 1 space for each 1,000 sq. ft. of gross floor area plus 1 space for every 2 employees
  - Fitness and Recreational Sports : 10 spaces plus 1 space for each 200 sq. ft. of floor area in excess of 1,000 sq. ft.

- Educational Facilities : 1 space for each student based on the design capacity of the building plus 1 space for each teacher or other employee
- Banks/Credit Union : 1 space for each 200 sq. ft. of gross floor area plus 2 spaces for each teller station within the facility
- Restaurants/Sandwich Shops : 1 space for each 100 sq. ft. of floor area or 1 space for every 4 seats in the facility, whichever is greater
- Daycare Facility : 1 space for each staff member plus 1 per 5 students
- Hotel, Conference Center or Motel : 1 space per guest room plus 1 space for each 400 sq. ft of public meeting area and restaurant space or 1 space for each 200 sq. ft. of gross floor area, whichever is greater
- Housing : 1.5 spaces per dwelling unit

The Planning Board may vary these off-street parking and loading standards during the site plan review process if necessary to address the intent of this Article. On these occasions, the Planning Board must take into consideration the size of the building, the number of expected employees, the number of expected visitors and any future expansion possibilities.

- d. All loading docks shall meet the following standards:
- Minimum width of 14'
  - Minimum depth of 52'
  - A clear overhead of 14'
  - Minimum of 35' of inside turning radius
  - Concrete pads for trailers.
- e. All loading docks and truck maneuvering areas shall be screened from public streets and adjacent properties by the use of berms, landscaping, fencing or masonry walls.

4. Grading and Landscaping:

- a. The maximum grade for an access driveway leading from a public road or connecting parking areas on a site shall be 8%.
- b. Parking areas shall not exceed a maximum grade of 4%.
- c. Any seeded or landscaped areas shall not exceed a maximum slope of 3:1.
- d. The quantity, type and location of all landscaped plantings and structures shall be approved by the Town Planning Board.
- e. Any portion of a lot not otherwise covered with natural cover, buildings, parking areas, or a stormwater retention system shall be graded, drained and landscaped with trees, shrubs and planted groundcover.
- f. The use of earth sculpting or berms shall be encouraged as long as it is designed in an area with enough size so as to avoid erosion, drainage or maintenance problems.

5. Signage:

- a. No billboards or advertising signs, other than those identifying businesses that are located on a site or products that are being made on a particular site shall be permitted. The location, size and construction of all signs shall be approved by the Town of Perth Planning Board.
- b. Signage identifying the Tryon Technology Park and Incubator Center shall be allowed within a public right-of-way or on private property. Multi-tenant signage identifying tenants of the Technology Park and Incubator Center shall also be allowed on a public ROW or private property.
- c. Only one (1) sign may be erected on an individual lot. However, multi-tenant signs will be allowed on a lot to identify the firm or firms that are located within a building or the chief products that are being produced by each business. This type of signage can be used to identify the firm or its chief product. The sign can be located in the front yard or attached to the building. This sign can be illuminated but must be non-flashing, non-blinking and non-moving.
- d. Management company signs are permitted in the BTZ in order to advertise lots or building space that is available for purchase or lease.

6. Lighting/Utilities:

- a. Only shaded light sources shall be allowed and shall be used to illuminate signs, façades, buildings, parking and loading areas.
- b. Lighting shall be arranged to illuminate glare from roadways and streets and shall be directed away from properties lying outside of the BTZ.

**G. Town of Perth Subdivision Regulations:**

1. Lands zoned as Business and Technology Zone (BTZ) shall not be subject to the requirements of the Town of Perth Subdivision Regulations.

**H. Zoning Map Change:**

1. The official Zoning Map of the Town of Perth, as adopted by the Town Board is hereby amended to create the Business and Technology Zone (BTZ).

**I. Effective Date:**

This Local Law shall take effect upon the filing thereof in the Office of the Secretary of State of the State of New York.